

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

**CADDO SYSTEMS, INC. and 511
TECHNOLOGIES, INC.,**

Plaintiffs,

v.

**SIEMENS AKTIENGESELLSCHAFT
(AG), and SIEMENS DIGITAL
INDUSTRIES SOFTWARE, INC.**

Defendants.

Civil Action No. 4:20-cv-255

DEMAND FOR JURY TRIAL

COMPLAINT FOR PATENT INFRINGEMENT

In this action for patent infringement Plaintiffs Caddo Systems, Inc. and 511 Technologies, Inc. (“Plaintiffs”) hereby make the following allegations against Defendants Siemens Aktiengesellschaft (AG) and Siemens Digital Industries Software, Inc. (collectively, “Defendants” or “Siemens”):

NATURE OF THE ACTION

1. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. § 1 *et seq.*

THE PARTIES

2. Plaintiff Caddo Systems, Inc. (“Caddo”) is a Texas corporation with its principal place of business in the 511 Technology Center at 511 N. Washington Avenue, Marshall, Texas 75670.

3. Plaintiff 511 Technologies, Inc. (“511 Tech”) is a Texas corporation with its principal place of business at 511 N. Washington Avenue, Marshall, Texas 75670. Since 2010, 511 Tech has operated the 511 Technology Center, including the provision of invention, patent and product development support services in diverse fields including color measurement, flash storage devices, communication protocols, electronic circuitry, software development, energy storage and control, cloud-connected industrial and consumer products, medical diagnostic device, and art instruction from its headquarters in the former Coca-Cola bottling plant located in the Ginocchi Historic District in Marshall, Texas.

4. In collaboration with 511 Tech and others working in the 511 Technology Center, Caddo researches, designs, and develops information systems, including systems based on the Asserted Patents. The Caddo and 511 Tech collaboration includes software products based on inventions described and claimed in the Asserted Patents.

5. Caddo is the owner by assignment of 100% interest in the Asserted Patents. 511 Tech has the exclusive license to practice and develop the inventions of the Asserted Patents.

6. On information and belief, Defendant Siemens AG is a corporation organized and existing under the laws of Germany, with a place of business at Werner-von-Siemens-Straße 1, 80333 Munich, Germany. Siemens AG—through its Digital Factory Division—is the parent company of Defendant Siemens Digital Industries Software Inc. (“Siemens DIS”). Upon information and belief, Siemens AG is authorized to do business in Texas and may be served through their registered agent CT Corporation System, 1999 Bryan St., Suite 900, Dallas, TX 75201. Siemens AG sells and offers to sell products and services throughout the United States, including in this judicial district, and introduces products and services into the stream of

commerce that incorporate infringing technology knowing that they would be sold in this judicial district and elsewhere in the United States.

7. On information and belief, Defendant Siemens DIS (formerly Siemens Product Lifecycle Management (PLM) Software, Inc.), a wholly-owned subsidiary of Siemens AG, is a Delaware company having its principal place of business at 5800 Granite Pkwy, Suite 600, Plano, TX 75024. Siemens DIS is authorized to do business in Texas and may be served through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201.

8. On information and belief, Siemens AG and Siemens DIS (collectively, “Siemens”), acting in concert, design, develop, manufacture, sell, offer to sell, and/or import products, devices, systems, and/or components of systems through certain accused instrumentalities (as discussed further below) that either infringe or support the infringement of the patents asserted in this action.

9. Plaintiffs seek monetary damages and prejudgment interest for Siemens’ past and ongoing direct and indirect infringement of the Asserted Patents.

JURISDICTION AND VENUE

10. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code.

11. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

12. This Court has personal jurisdiction over Siemens and Siemens DIS because they have sufficient minimum contacts with the forum as a result of business conducted within the State of Texas and within the Eastern District of Texas. For example, Siemens DIS has a regular and established place of business at 5800 Granite Pkwy, Suite 600, Plano, Texas, which is in this District. Personal jurisdiction also exists specifically over Siemens AG and Siemens DIS because they, directly or through subsidiaries or intermediaries, make, use, offer for sale, or sell

products or services within the State of Texas and within the Eastern District of Texas through the accused instrumentalities that directly or indirectly infringe the Asserted Patents (as discussed further below).

13. On information and belief, Siemens sells and offers to sell products and services throughout the United States, including in this District, through the accused instrumentalities, through major electronics retailers in North America, and in concert and partnership with third parties who sell automation hardware and software, industrial products and systems, and other consumer products in areas covering energy, healthcare, building technologies, mobility and home appliances.

14. On information and belief, Siemens conducts a significant amount of business in Texas and this District through online sales and advertisements directly to consumers, through product sales by Siemens' distributors and resellers, and in concert and partnership with third parties.

15. Furthermore, personal jurisdiction over Siemens in this action comports with due process. Siemens has conducted and regularly conducts business within the United States and this District. Siemens has purposefully availed itself of the privileges of conducting business in the United States, and more specifically in the State of Texas and this District. Siemens has sought protection and benefit from the laws of the State of Texas by making available products and services through the accused instrumentalities that infringe the Asserted Patents with the awareness and/or intent that they will be used (or visited) by consumers in this District. Having purposefully availed itself of the privilege of conducting business within this District, Siemens should reasonably and fairly anticipate being brought into court here.

16. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because Siemens AG is a foreign corporation and is subject to personal jurisdiction in this District and/or has regularly conducted business in this District, and because certain of the acts complained of herein occurred in this District. Additionally, Siemens AG—directly or through intermediaries (including distributors, retailers, and others), subsidiaries, alter egos, and/or agents—ships, distributes, offers for sale, and/or sells its products and services in the United States and this District. Siemens AG has purposefully and voluntarily placed one or more of its products into the stream of commerce through the accused instrumentalities that infringe the Asserted Patents with the awareness and/or intent that they will be purchased by consumers in this District. Siemens AG knowingly and purposefully ships infringing products into, and within, this District. These infringing products have been, and continue to be, purchased by consumers and businesses in this District.

17. Further, this Court has personal jurisdiction over Siemens DIS because it has a regular and established place of business in this District and has purposely availed itself of the privileges and benefits of the laws of the State of Texas and in this District, because it regularly conducts and solicits business within the State of Texas and within this District, and because Plaintiff's causes of action arise directly from its business contacts and other activities in the State of Texas and within this District.

THE ASSERTED PATENTS

18. On March 13, 2007, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 7,191,411 ("the '411 Patent"), entitled "Active Path Menu Navigation System." A copy of the '411 Patent is attached hereto as Exhibit 1.

19. Plaintiffs own all substantial right, title, and interest in the '411 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

20. On May 8, 2007, the USPTO duly and legally issued U.S. Patent No. 7,216,301 ("the '301 Patent"), entitled "Active Path Menu Navigation System." A copy of the '301 Patent is attached hereto as Exhibit 2.

21. Plaintiffs own all substantial right, title, and interest in the '301 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

22. On December 29, 2009, the USPTO duly and legally issued U.S. Patent No. 7,640,517 ("the '517 Patent"), entitled "Active Path Menu Navigation System." A copy of the '517 Patent is attached hereto as Exhibit 3.

23. Plaintiffs own all substantial right, title, and interest in the '517 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

24. On May 25, 2010, the USPTO duly and legally issued U.S. Patent No. 7,725,836 ("the '836 Patent"), entitled "Active Path Menu Navigation System." A copy of the '836 Patent is attached hereto as Exhibit 4.

25. Plaintiffs own all substantial right, title, and interest in the '836 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

26. On January 8, 2013, the USPTO duly and legally issued U.S. Patent No. 8,352,880 ("the '880 Patent"), entitled "Active Path Menu Navigation System." A copy of the '880 Patent is attached hereto as Exhibit 5.

27. Plaintiffs own all substantial right, title, and interest in the '880 Patent, and hold the right to sue and recover damages for infringement thereof, including past infringement.

28. On July 31, 2018, the USPTO duly and legally issued U.S. Patent No. 10,037,127 (“the ’127 Patent”), entitled “Active Path Menu Navigation System.” A copy of the ’127 Patent is attached hereto as Exhibit 6.

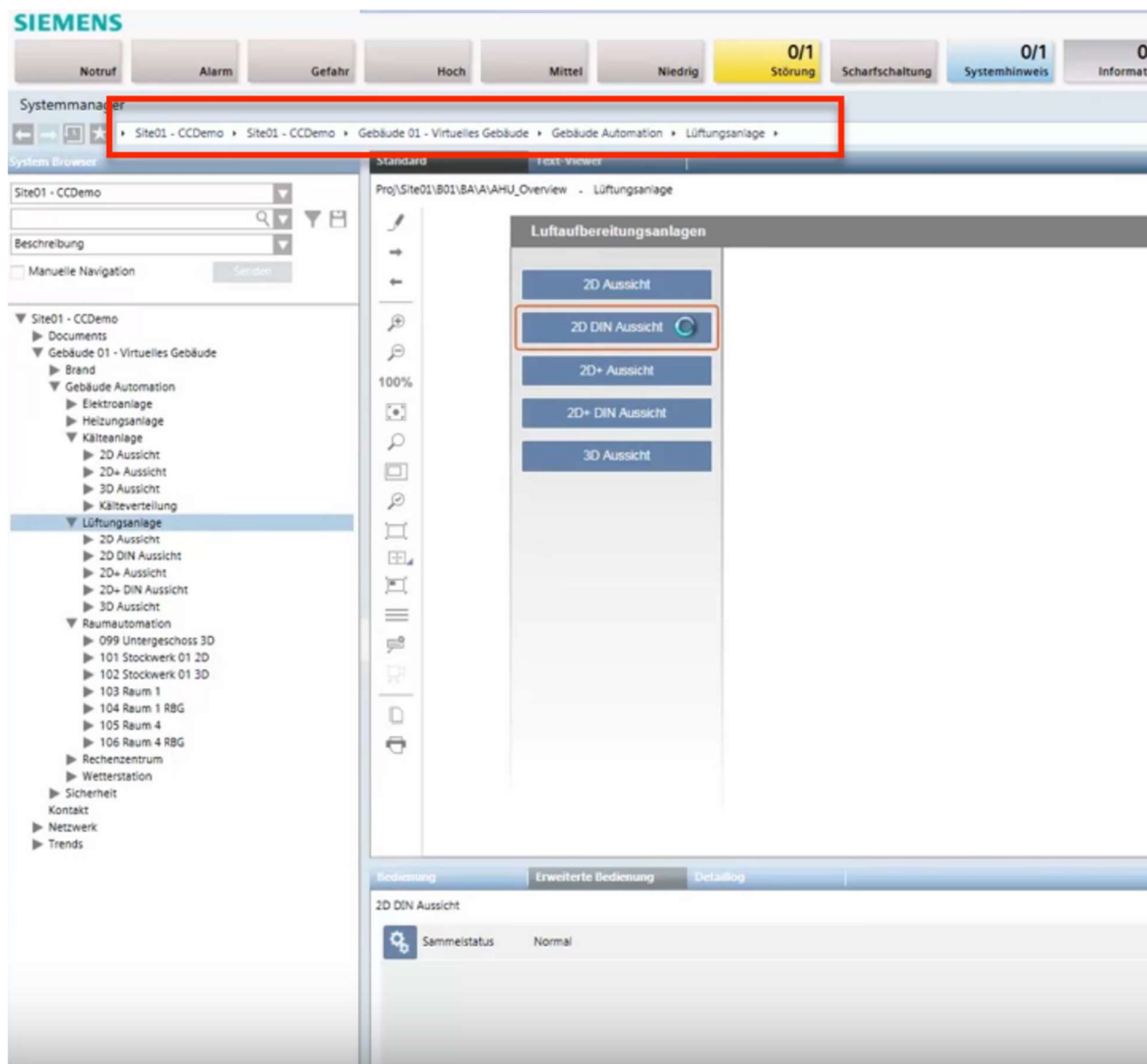
COUNT I - INFRINGEMENT OF U.S. PATENT NO. 7,191,411

29. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

30. The ’411 Patent is directed to systems and methods for navigating within a multi-level hierarchical collapsing menu structure, as described and claimed in the ’411 Patent.

31. Defendants have and continue to directly infringe at least Claims 1-4 of the ’411 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) Designo CC Integrated Facilities Management Platform or similar product platforms or tools (“Platforms”), including hardware and software in support thereof (“Product Platform Instrumentalities”); (ii) web pages, menus, and menu structures to be interactively presented and navigated via browsers, including, without limitation, web pages, menus, and menu structures accessible via <https://new.siemens.com/global/en.html> and maintained on servers located in and/or accessible from the United States under the control of Defendants (“Web Instrumentalities”); (iii) software, including, without limitation, software that allows web pages, menus, and menu structures to be interactively presented and navigated in and/or served to such Platforms or browsers; (iv) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical collapsing menu structure, where each level in the menu structure

contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (collectively, the “411 Accused Instrumentalities”) as shown below:

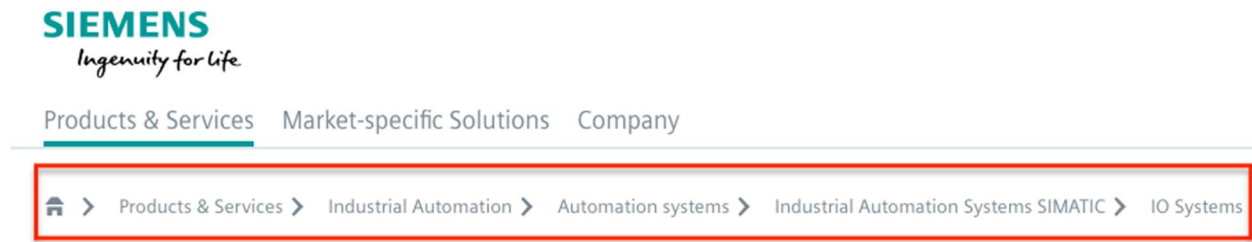


See Siemens, *Desigo CC - Einfache Navigation*, available at

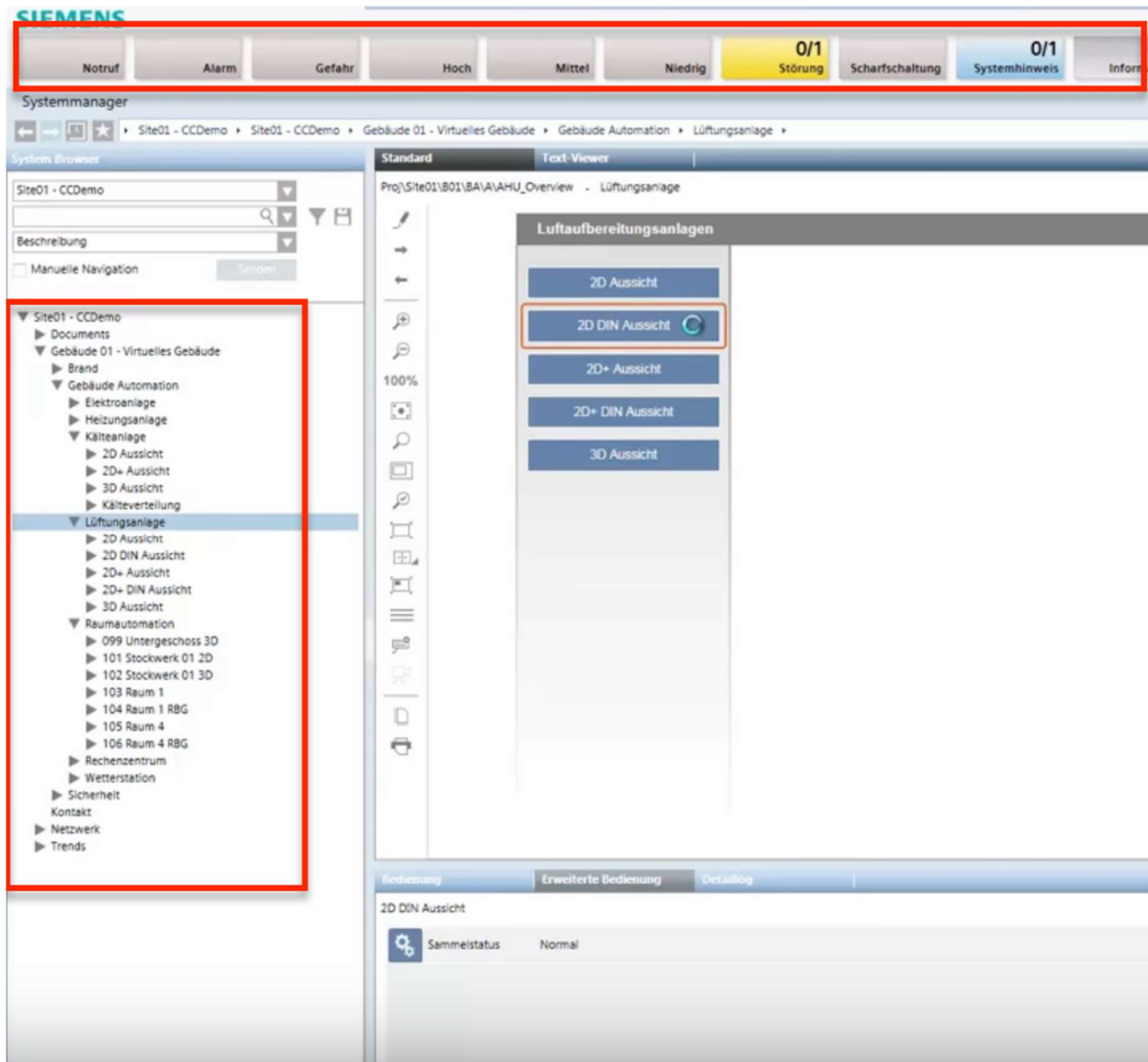
<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



32. By way of example, the '411 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '411 Accused Instrumentalities provide a method for navigating a multi-level hierarchical collapsing menu structure that includes a multi-level hierarchy where each level in the menu contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" includes "Gebäude 01—Virtuellies Gebäude," which includes "Gebäude Automation," which includes "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services," includes "Industrial Automation," which includes "Automation systems," which includes "Industrial Automation Systems SIMATIC," which includes "IO Systems")) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Products & Services Industrial Automation Automation systems

> Go to Industrial Automation Systems SIMATIC

IO Systems >

PLCs >

SIMATIC Technology

SIMATIC Field PG

Software for SIMATIC controllers

SIMATIC Control Systems

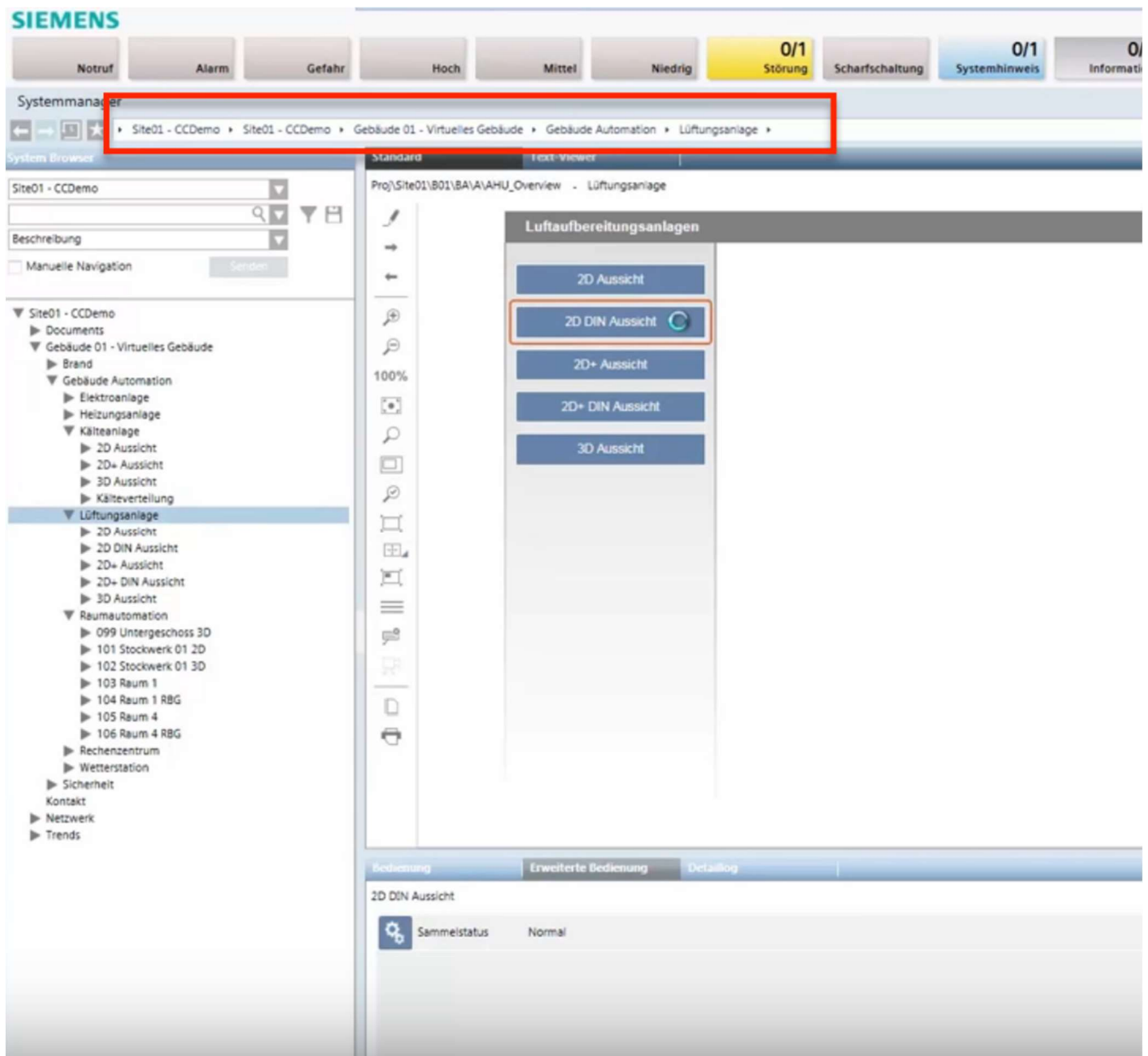


Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

33. More specifically, the '411 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" displays and enables the selection of "Gebäude 01—Virtuellies Gebäude," which displays and enables the section of "Gebäude Automation," which displays and enables the section of "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services" displays and enables the selection of items of a given level, such as "Industrial Automation," which displays and enables the selection of "Automation systems," which displays and enables the selection of "Industrial Automation Systems SIMATIC," which displays and enables the selection of "IO Systems" and "PLCs"), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., in the Product Platform Instrumentalities, to access "Gebäude

01—Virtuellies Gebäude,” “Site01—CCDemo” is accessed first; as another example, in the Web Instrumentalities, to access “IO Systems,” “Industrial Automation Systems SIMATIC” is accessed first; as another example, to access “Industrial Automation,” “Products & Services” is accessed first); automatically constructing an Active Path as a sequence of hierarchical active links as items are selected using the graphical user menu system without the need for any additional interaction with the graphical user system (e.g., the Product Platform Instrumentalities automatically construct an active path “Site01 – CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” and the Web Instrumentalities automatically construct an active path “Products & Services—Industrial Automation—Automation Systems—Industrial Automation Systems SIMATIC—IO Systems,” each of which is constructed as a sequence of hierarchical active links as items are selected (e.g., as “Site01 – CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” are selected in the Product Platform Instrumentalities, and as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” are selected in the Web Instrumentalities)), with one said active link corresponding to each of the items selected (e.g., the Product Platform Instrumentalities’ active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” corresponds to each of the items selected, including “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”; the Web Instrumentalities’ active path “Products & Services—Industrial Automation—Automation Systems—Industrial Automation Systems SIMATIC—IO Systems” corresponds to each of the items selected, including “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems”) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



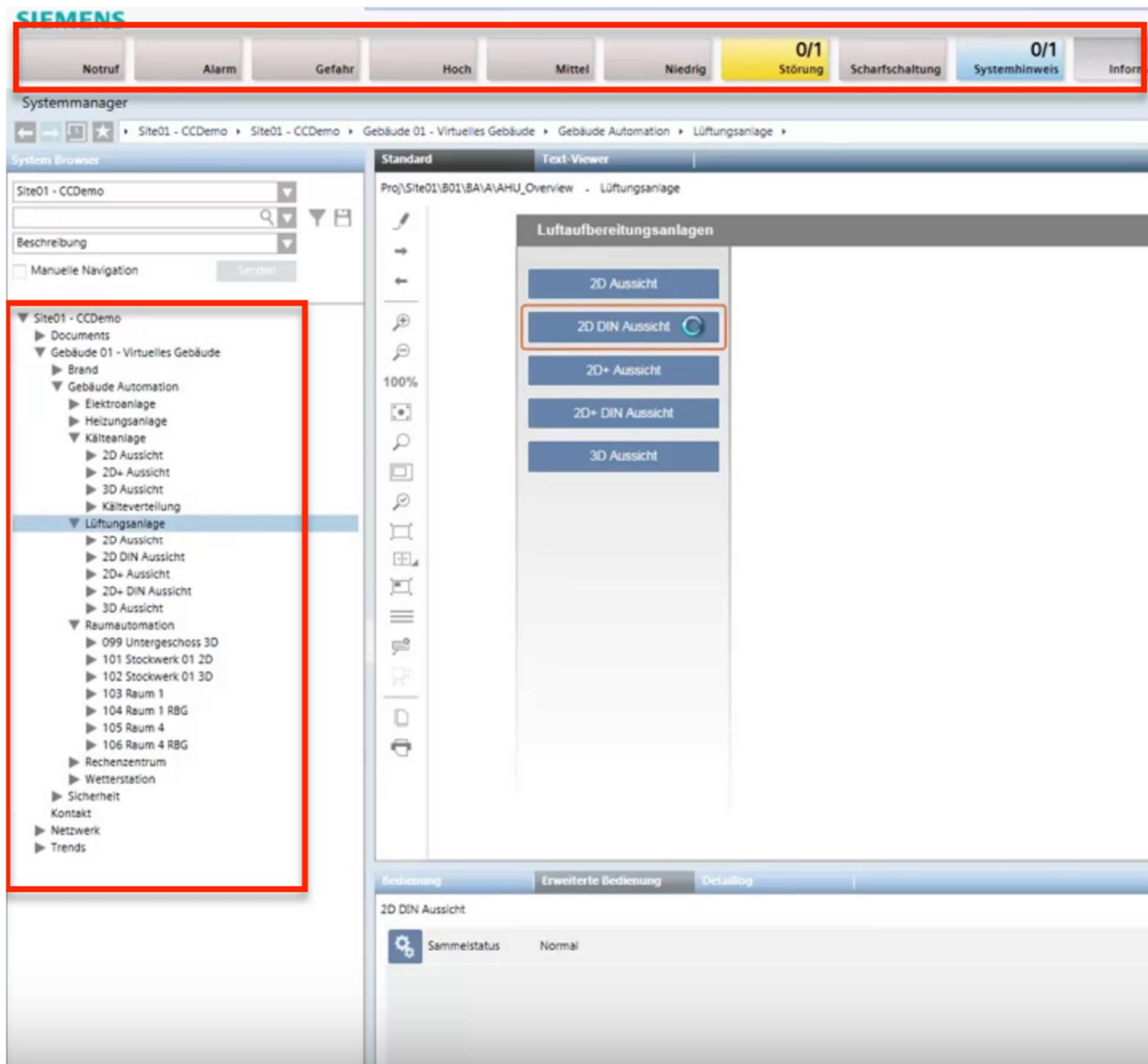
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34. Also, each active link in the '411 Accused Instrumentalities is independently selectable thereby providing direct access to the hierarchical level from which the corresponding item was selected without the need to navigate using said graphical user menu system (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” is independently selectable to thereby providing direct access to the hierarchical level from which “Lüftungsanlage” was selected, without the need to navigate using Defendants’ facilities management platform; as another example, in the Web Instrumentalities, the active link “IO Systems” is independently selectable to thereby providing direct access to the hierarchical level from which “IO Systems ” was selected, without the need to navigate using Defendants’ graphical user menu system).

35. The '411 Accused Instrumentalities’ active path is displayed as an alternative to the graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selecting items using the graphical user system (e.g., the '411 Accused Instrumentalities display the Active Path as an alternative to Defendants’ graphical user menu system for navigating the multi-level hierarchical collapsing menu structure after the user has finished selected items, such as “Lüftungsanlage” in the Product Platform Instrumentalities and “IO Systems” in the Web Instrumentalities, using Defendants’ graphical user menu system such that Defendants’ Active Path is displayed after the multi-level hierarchical collapsing menu structure has collapsed) such that the Active Path is displayed after the multi-level hierarchical

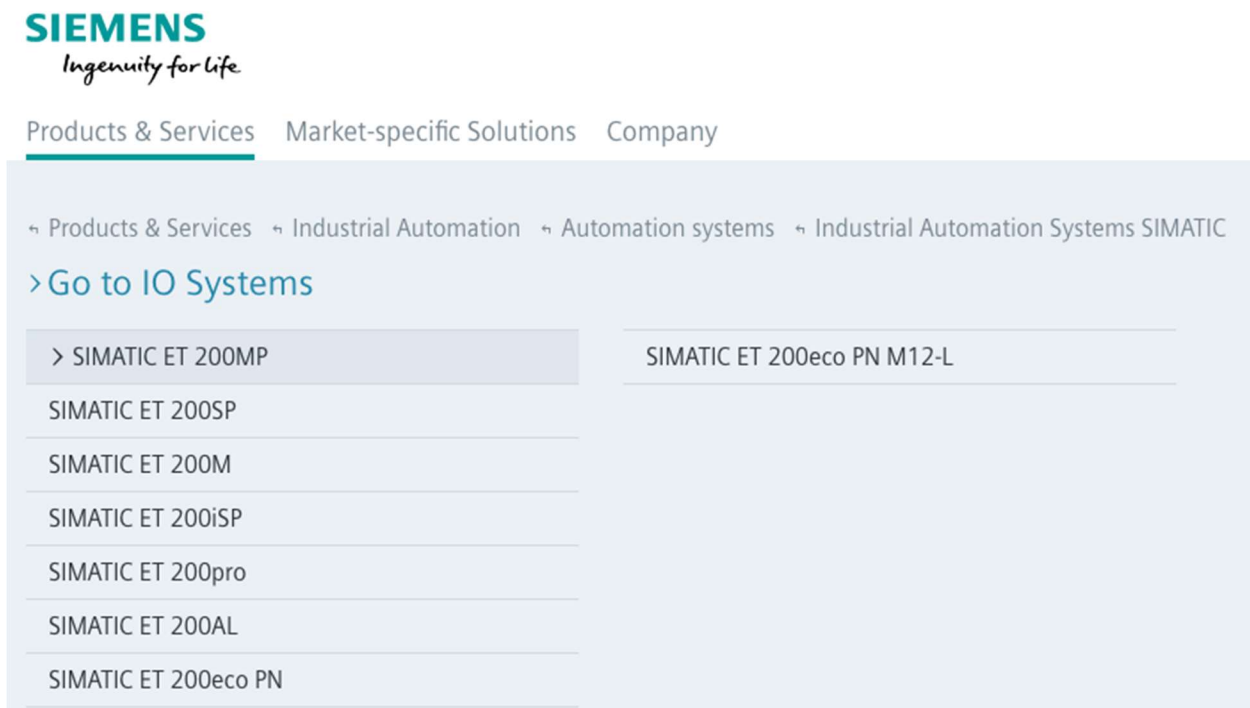
collapsing menu structure has collapsed (e.g., the Active Path is displayed after the multi-level hierarchical collapsing menu structure (e.g., collapsing menu structure populated via “Site01-CCDemo” in the Product Platform Instrumentalities or “Products and Services” in the Web Instrumentalities) has collapsed) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software/mobile-apps.html> (last visited Feb. 10, 2020):



36. On information and belief, in the '411 Accused Instrumentalities, pre-selecting a given active link triggers the display of sibling menu items on the level associated with said given active link without disturbing the displayed Active Path (e.g., in the Product Platform Instrumentalities, pre-selecting the "Lüftungsanlage" active link triggers the display of sibling menu items, such as "2D Aussicht," "2D DIN Aussicht," "2D+ Aussicht," "2D+ DIN Aussicht," and "3D Aussicht" without disturbing the displayed Active Path; as another example, in the Web Instrumentalities, pre-selecting the "IO Systems" active link triggers the display of sibling menu items, such as "SIMATIC ET 200MP," "SIMATIC ET 200SP," "SIMATIC ET 200M," "SIMATIC ET 200iSP," "SIMATIC ET 200pro," "SIMATIC ET 200AL," "SIMATIC ET 200eco PN," and "SIMATIC ET 200eco PN M12-L" without disturbing the displayed Active Path) as shown below:

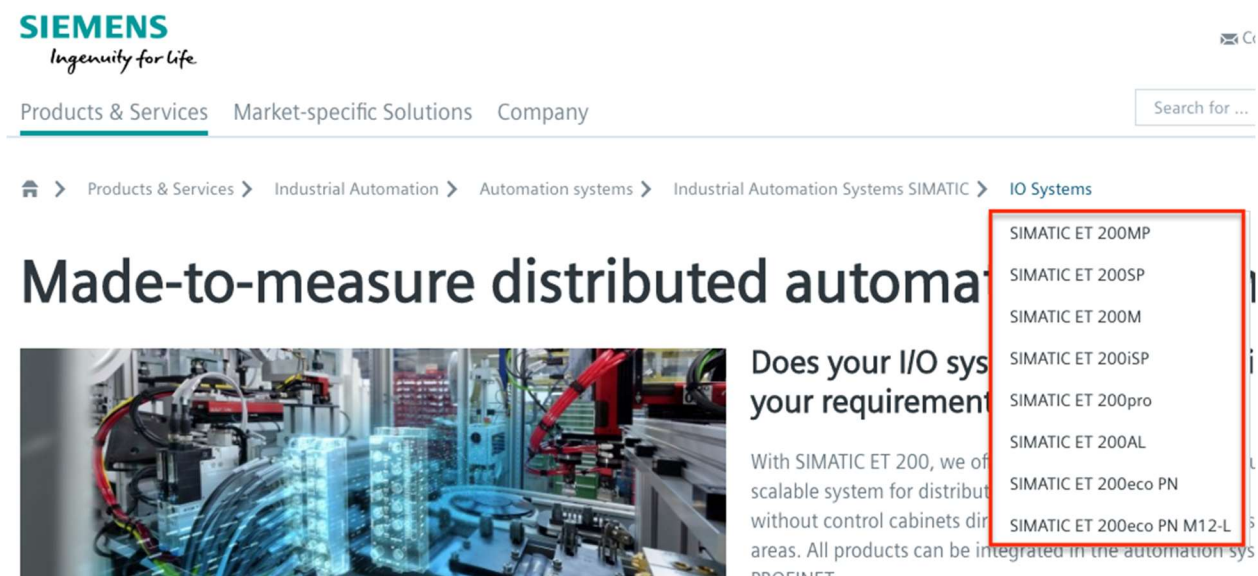


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

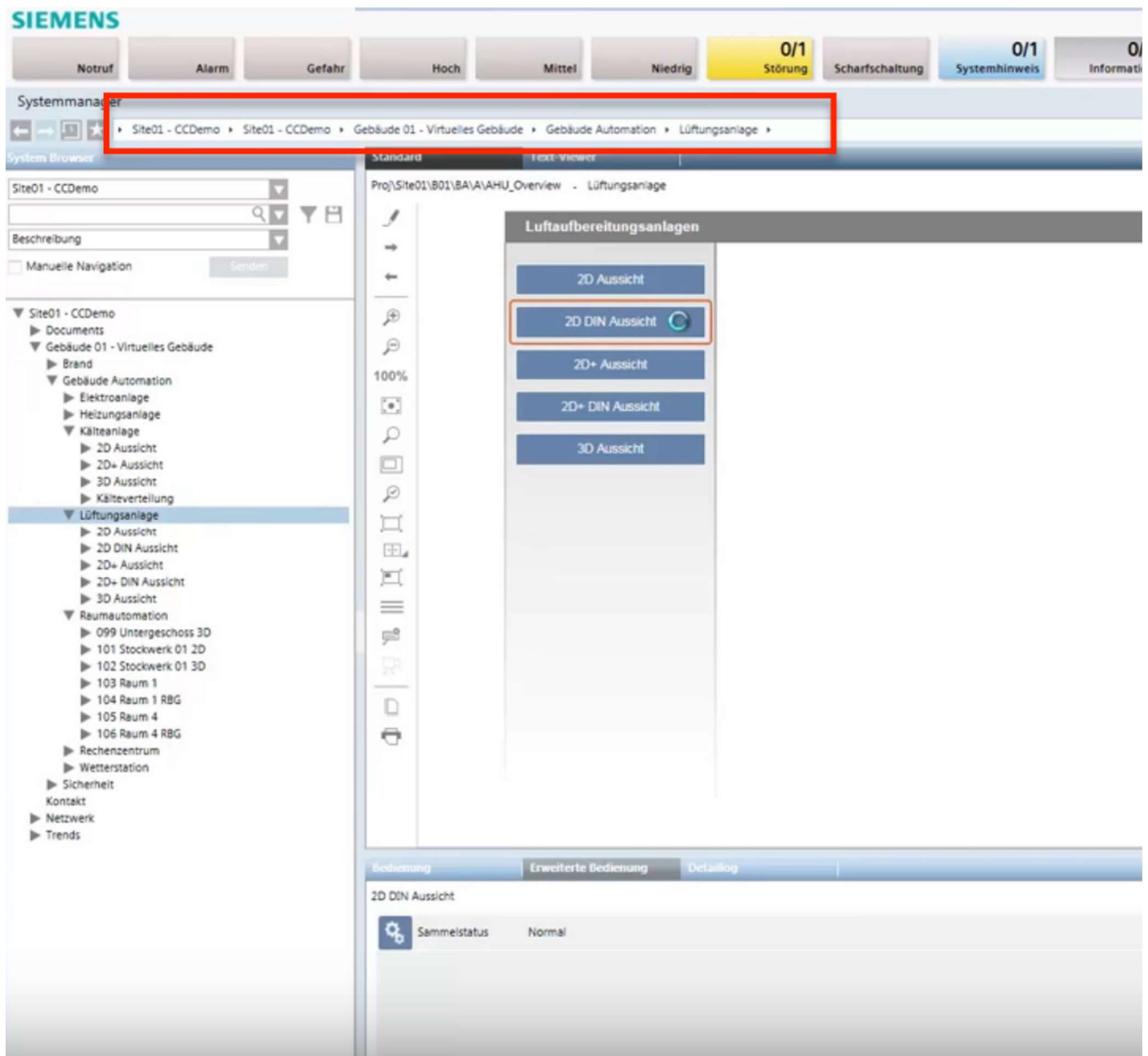
also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



37. On information and belief, the '411 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuelliess Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu; as another example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu) enabling direct access to a given menu

item); and automatically constructing the Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the menu items necessary to access said given menu item using said graphical user menu system (e.g., in the Product Platform Instrumentalities, the active path is automatically constructed when “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” or “Lüftungsanlage” is executed, with the active link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each of the menu items necessary to access the given menu item; as another example, in the Web Instrumentalities, the active path is automatically constructed when “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” or “IO Systems” is executed, with the active link “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each of the menu items necessary to access the given menu item using Defendants’ graphical user menu system) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



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Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

38. On information and belief, in the '411 Accused Instrumentalities, selecting a given active link triggers the execution of a function associated with said given active link (e.g., in the Product Platform Instrumentalities, selecting a given active link such as “Lüftungsanlage” triggers the execution of a function, such as displaying sibling menus (e.g., “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”) or directing user to certain content; as another example, in the Web Instrumentalities, selecting a given active link such as “IO Systems” triggers the execution of a function, such as displaying sibling menus (e.g., “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) or directing user to certain content).

39. On information and belief, in the '411 Accused Instrumentalities, selecting a given active link triggers display of information associated with said given active link (e.g., the Product Platform Instrumentalities allow selecting the link “Lüftungsanlage” to trigger display of information (e.g., “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”) associated with the link “Lüftungsanlage”; as another example, the Web Instrumentalities allow selecting the link “IO Systems” to trigger display of information (e.g., displaying “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) associated with the link “IO Systems”).

40. Discovery is expected to uncover the full extent of Defendants' infringement of the '411 Patent beyond the '411 Accused Instrumentalities already identified through public information.

41. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-4 of the '411 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '411 Accused Instrumentalities constitutes direct infringement of at least Claims 1-4 of the '411 Patent.

42. In particular, Defendants' actions aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using the '411 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '411 Patent and knowledge that their acts were inducing infringement of the '411 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '411 Patent.

43. Defendants' acts of inducement include, without limitation: providing the '411 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '411 Accused Instrumentalities that enables and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '411 Accused Instrumentalities for purposes of technical assistance as well as sales and marketing (*see, e.g.,*

<https://new.siemens.com/global/en/general/contact.html> (providing contact information to address sales regarding the '411 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also*

<https://new.siemens.com/global/en/company/jobs.html> (providing employment information that can be accessed using the '411 Accused Instrumentalities); *see also*

<https://new.siemens.com/global/en/products/buildings/partners/desigocc-ecosystem.html> (providing information on contacting a Desigo CC Ecosystem developer to create applications); providing information, advertising, and instructions for the Product Platform Instrumentalities through Defendants' own and third-party websites (e.g.,

<https://www.downloads.siemens.com/download-center/Download.aspx?pos=download&fct=getasset&id1=A6V10444816> and

<https://www.integratedcontrols.co.za/wp/siemens-sites/> (providing promotional materials on functions and features of the Product Platform Instrumentalities)); encouraging customers and other third parties to use the '411 Accused Instrumentalities (e.g.,

<http://knxtoday.com/2020/01/15030/siemens-introduces-updated-desigo-cc-building-management-platform-with-improved-knx-support.html> (encouraging third parties to use the Product Platform Instrumentalities); *see also* <https://www.youtube.com/watch?v=6ehhde6SRTU> and <https://www.youtube.com/watch?v=6ehhde6SRTU> (encouraging new and prospective customers and other third parties to use the Product Platform Instrumentalities); *see also*

https://www.facebook.com/Siemens/?ref=br_rs (providing an URL (https://new.siemens.com/global/en/company/about/businesses.html?fbclid=IwAR2Rlvms5EimVTAQW0Xg2Bpoe-tGFjCs33izANKLan_pO-IIio87IS2y1nY) to a "Our Businesses" webpage that can be accessed using the Web Instrumentalities); *see also*

https://www.downloads.siemens.com/download-center/download?DLA07_2535 (providing an URL (<https://new.siemens.com/global/en/products/energy/energy-automation-and-smart-grid/energy-is-going-digital.html>) to content through the Web Instrumentalities); *see also* <https://new.siemens.com/global/en/company/investor-relations/share-bonds-rating.html> (recommending investors and other third parties to use the Web Instrumentalities to access financial results relating to Defendants' financial information); *see also* <https://www.facebook.com/Siemens/>, <https://twitter.com/Siemens/status/1232923300126502914?s=20>, <https://www.instagram.com/siemens/>, and <https://www.linkedin.com/company/siemens/about/> (Defendants' social media accounts promoting the use of the Web Instrumentalities through which various media content can be accessed); *see also* <https://press.siemens.com/global/en> (providing press releases and news encouraging customers and other third parties to use the Web Instrumentalities to access content (for example, providing an URL (<https://press.siemens.com/global/en/pressrelease/siemens-supports-volkswagen-develop-digitized-electric-car-production>) to an "Automotive Manufacturing" webpage that can be accessed using the Web Instrumentalities)); *see also* <https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html> (encouraging third parties to use the Web Instrumentalities to access content and information regarding Defendants' international fairs and events (for example, providing an URL (<https://siemens.mindsphere.io/en/openspace>) to an "Mindsphere Open Space" webpage that can be accessed using the Web Instrumentalities)); <https://new.siemens.com/global/en/company/stories/industry/3ddruck-ki.html> (providing stories encouraging customers and other third parties to use the Web Instrumentalities to access content

(providing an URL (<https://new.siemens.com/global/en/products/automation/pc-based/iot-gateways/iot2000.html>) to a “SIMATIC IOT2000” webpage that can be accessed using the Web Instrumentalities)); and providing support and training to enable the use of the ’411 Accused Instrumentalities (e.g., <https://desigoccecosystem.com/WebClientApplication/en-US/index.html> and <https://desigoccecosystem.com/WebClientApplication/Help/EngineeringHelp/en-US/index.html> (providing an online support and remote client platform for supporting and training customers, including those in the U.S., on the use of the Product Platform Instrumentalities)).

44. Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the ’411 Patent. At the very least, because Defendants have been, and remain, on notice of the ’411 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

45. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1-4 of the ’411 Patent pursuant to 35 U.S.C. § 271(c) by providing the ’411 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the ’411 Accused Instrumentalities are especially made or adapted for use in an infringement of the ’411 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages,

software, and computer equipment. The '411 Accused Instrumentalities are material components or apparatuses for use in practicing the '411 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

46. For example, the '411 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical collapsing system according to the claimed invention(s). Defendants supplied, and continue to supply, the '411 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '411 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '411 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products and services and the '411 Patent that the '411 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '411 Patent and there is no substantial non-infringing use of the '411 Accused Instrumentalities, or components or apparatuses thereof.

47. Defendants have directly and indirectly infringed the '411 Patent and are thus liable for infringement of the '411 Patent pursuant to 35 U.S.C. § 271.

48. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '411 Patent.

49. Defendants have continued to infringe the '411 Patent since at least as of the filing date of this Complaint, despite being on notice of the '411 Patent and their infringement. Defendants have therefore infringed the '411 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least as of the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this

conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

50. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '411 Accused Instrumentalities infringe the '411 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

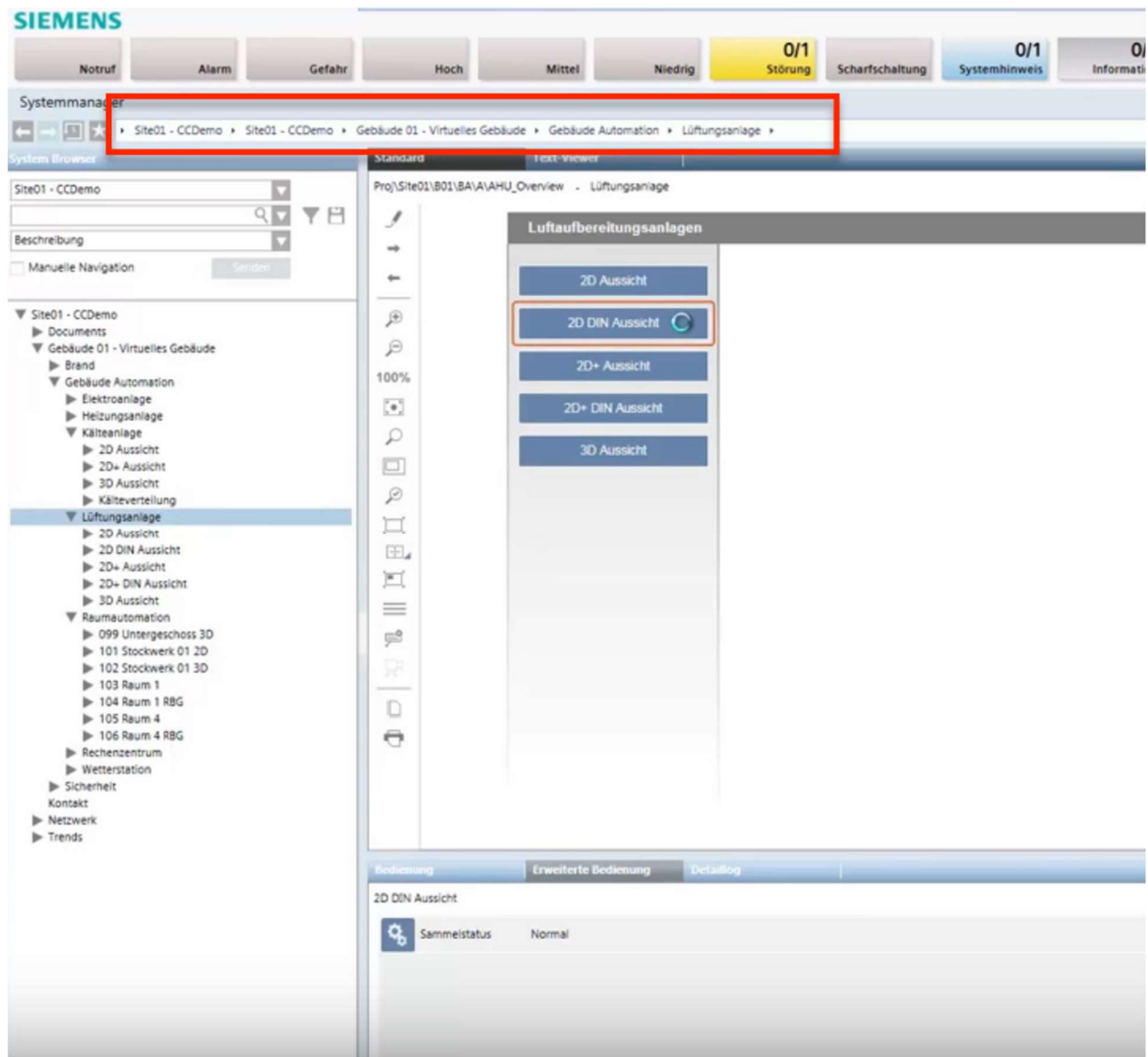
COUNT II - INFRINGEMENT OF U.S. PATENT NO. 7,216,301

51. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

52. The '301 Patent is directed to systems and methods for navigating within a multi-level hierarchical information structure, as described and claimed in the '301 Patent.

53. Defendants have and continue to directly infringe at least Claims 1-5 and 9 of the '301 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) Desigo CC Integrated Facilities Management Platform or similar product platforms or tools ("Platforms"), including hardware and software in support thereof ("Product Platform Instrumentalities"); (ii) web pages, menus, and menu structures to be interactively presented and navigated via browsers, including, without limitation, web pages, menus, and menu structures accessible via <https://new.siemens.com/global/en.html> and maintained on servers located in

and/or accessible from the United States under the control of Defendants (“Web Instrumentalities”); (iii) software, including, without limitation, software that allows web pages, menus, and menu structures to be interactively presented and navigated in and/or served to such Platforms or browsers; (iv) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure, where each level in the information structure contains plural items, each item being at least one of a function, a pointer to a location, and a pointer to another level (collectively, the “411 Accused Instrumentalities”) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

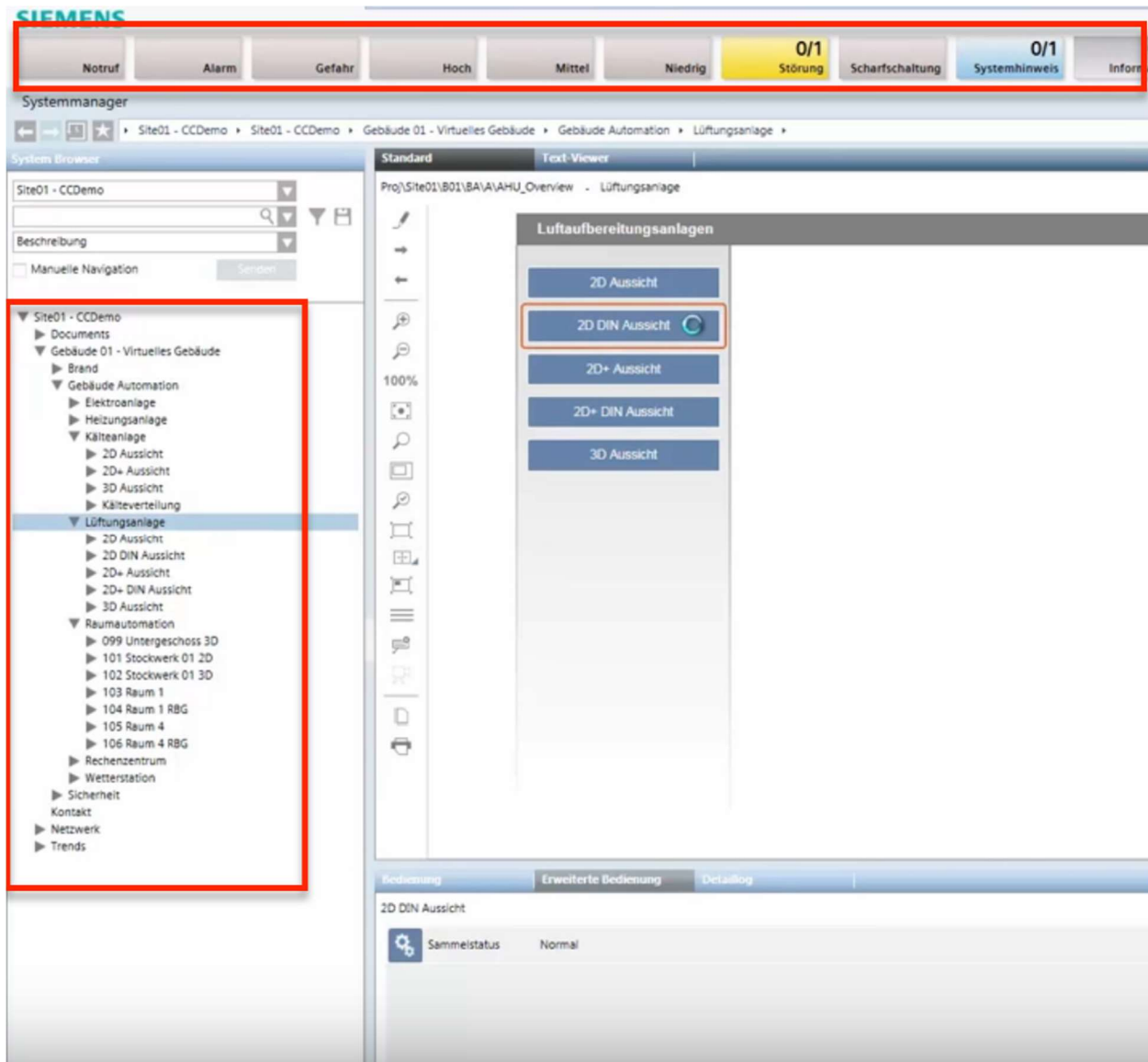
(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

54. By way of example, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure where each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" includes "Gebäude 01—Virtuellies Gebäude," which includes "Gebäude Automation," which includes "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services," includes "Industrial Automation," which includes "Automation systems," which includes "Industrial Automation Systems SIMATIC," which includes "IO Systems")) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Products & Services Industrial Automation Automation systems

> Go to Industrial Automation Systems SIMATIC

IO Systems >

PLCs >

SIMATIC Technology

SIMATIC Field PG

Software for SIMATIC controllers

SIMATIC Control Systems

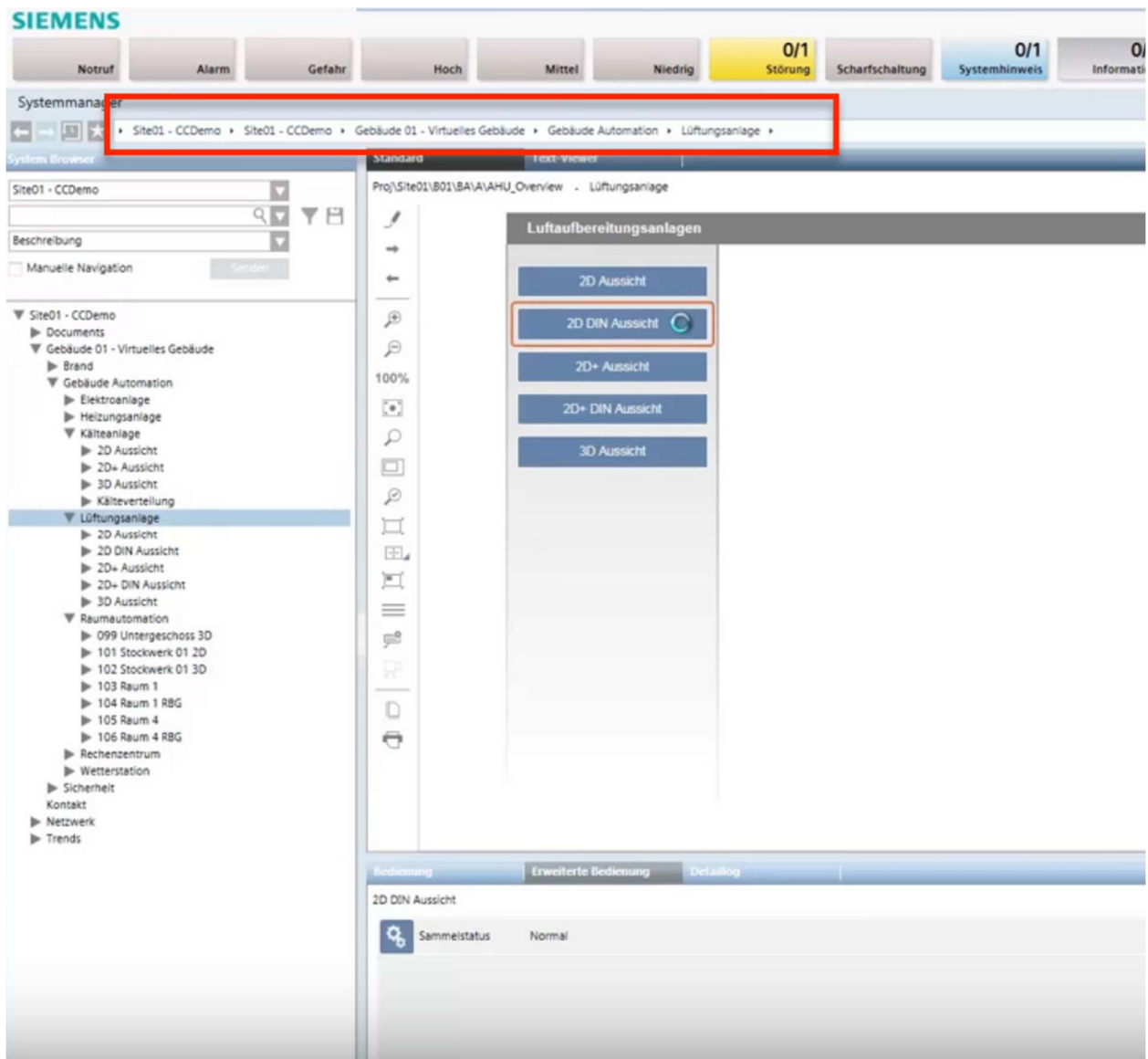


Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

55. More specifically, the '301 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level of the hierarchical information structure and enabling selection thereof (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" displays and enables the selection of "Gebäude 01—Virtuellies Gebäude," which displays and enables the section of "Gebäude Automation," which displays and enables the section of "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services" displays and enables the selection of items of a given level, such as "Industrial Automation," which displays and enables the selection of "Automation systems," which displays and enables the selection of "Industrial Automation Systems SIMATIC," which displays and enables the selection of "IO Systems" and "PLCs"); and dynamically constructing an Active Path as a sequence of active links as items are selected using the graphical user menu system (e.g., the

'301 Accused Instrumentalities dynamically construct an active path (e.g., the Product Platform Instrumentalities dynamically construct an active path "Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage" and the Web Instrumentalities dynamically construct an active path "Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems") as a sequence of active links as items are selected (e.g., as "Site01—CCDemo," "Gebäude 01—Virtuellies Gebäude," "Gebäude Automation," and "Lüftungsanlage" are selected in the Product Platform Instrumentalities and as "Products & Services," "Industrial Automation," "Automation systems," "Industrial Automation Systems SIMATIC," and "IO Systems" are selected in the Web Instrumentalities)), with one said active link corresponding to each of the items selected, said active links providing direct access to one of a function, corresponding level and menu item without the need to navigate using said graphical user menu system (e.g., in the Product Platform Instrumentalities, each active link in "Site01—CCDemo," "Gebäude 01—Virtuellies Gebäude," "Gebäude Automation," and "Lüftungsanlage" corresponds to each of the items selected, including "Site01—CCDemo," "Gebäude 01—Virtuellies Gebäude," "Gebäude Automation," and "Lüftungsanlage"; as another example, in the Web Instrumentalities, each active link in "Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems" corresponds to each of the items selected, including "Products & Services," "Industrial Automation," "Automation systems," "Industrial Automation Systems SIMATIC," and "IO Systems") as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

56. Also, each active link in the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., the Product Platform Instrumentalities enable the user to directly browse all items under “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities enable the user to directly browse all items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

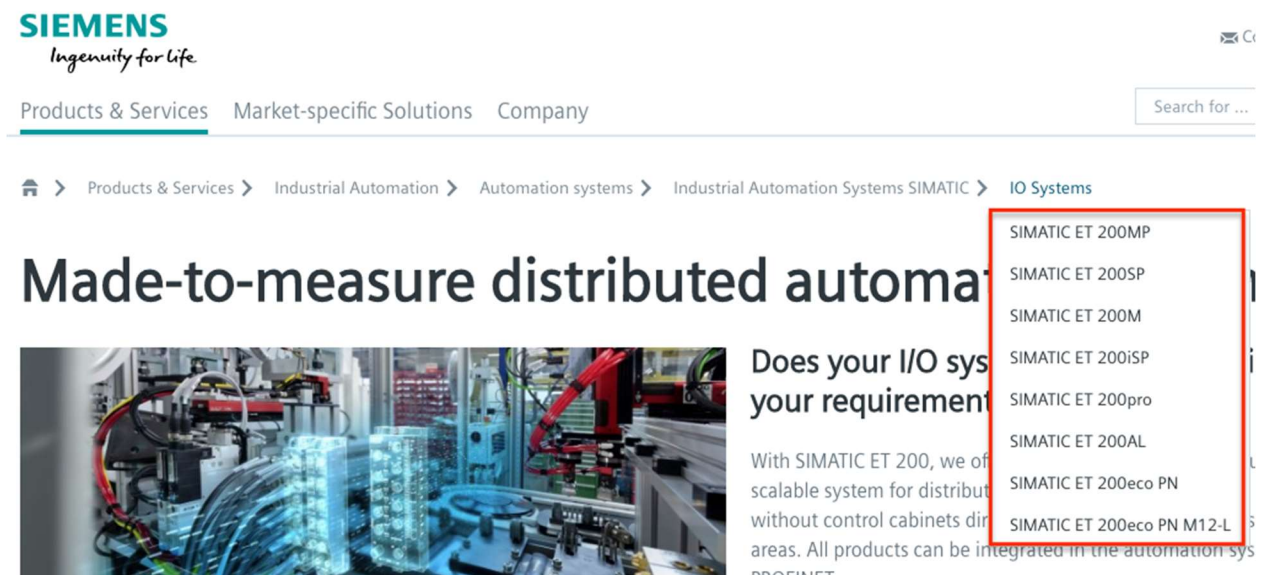


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

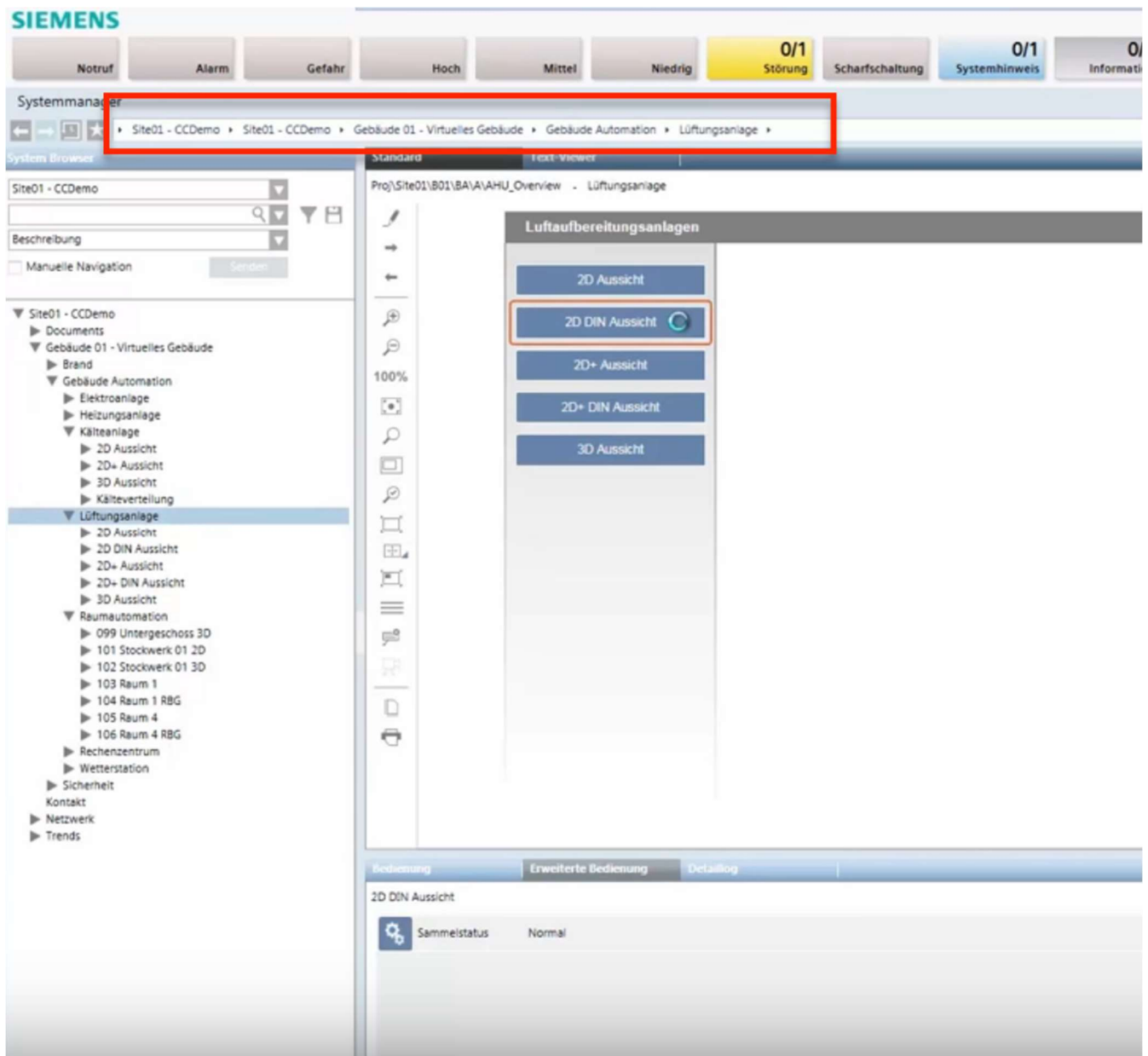
also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



57. On information and belief, the '301 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu enabling direct access to a given menu item; as another example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu enabling direct access to a given menu item); and dynamically constructing the Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the items necessary to access said given item using said graphical user menu system (e.g., in the Product Platform Instrumentalities, the active path is automatically constructed when “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” or “Lüftungsanlage” is executed, with the active link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each of

the items necessary to access the given item; as another example, in the Web Instrumentalities, the active path is dynamically constructed when “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” or “IO Systems” is executed, with the active link “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each of the items necessary to access the given item) as shown below:

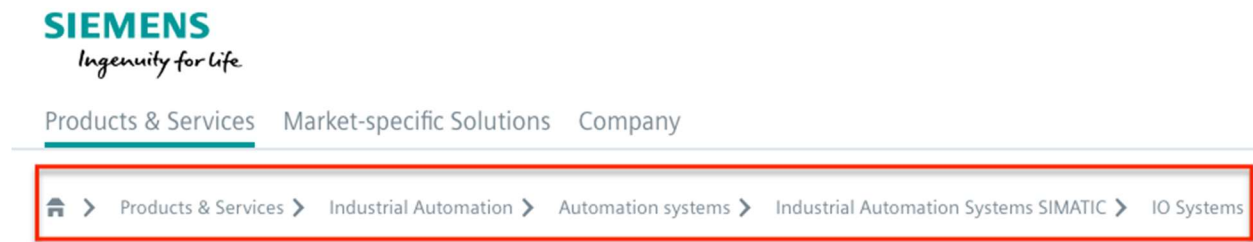


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



58. On information and belief, in the '301 Accused Instrumentalities, rolling over a selected active link triggers the display of sibling items on the hierarchically subordinate levels associated with said selected active link (e.g., the Product Platform Instrumentalities allow rolling over the link “Lüftungsanlage” to trigger the display of sibling items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”; as another example, the Web Instrumentalities allow rolling over the link “IO Systems” to trigger the display of sibling items (“SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) on the hierarchically subordinate levels associated with the selected active link “IO Systems”) as shown below:

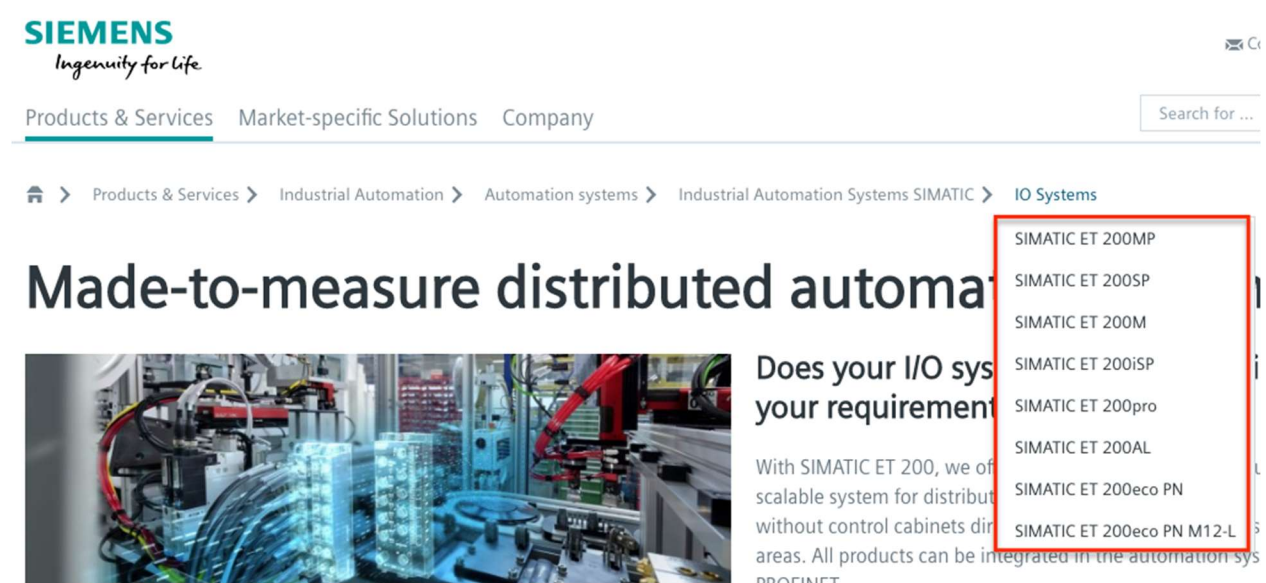


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):

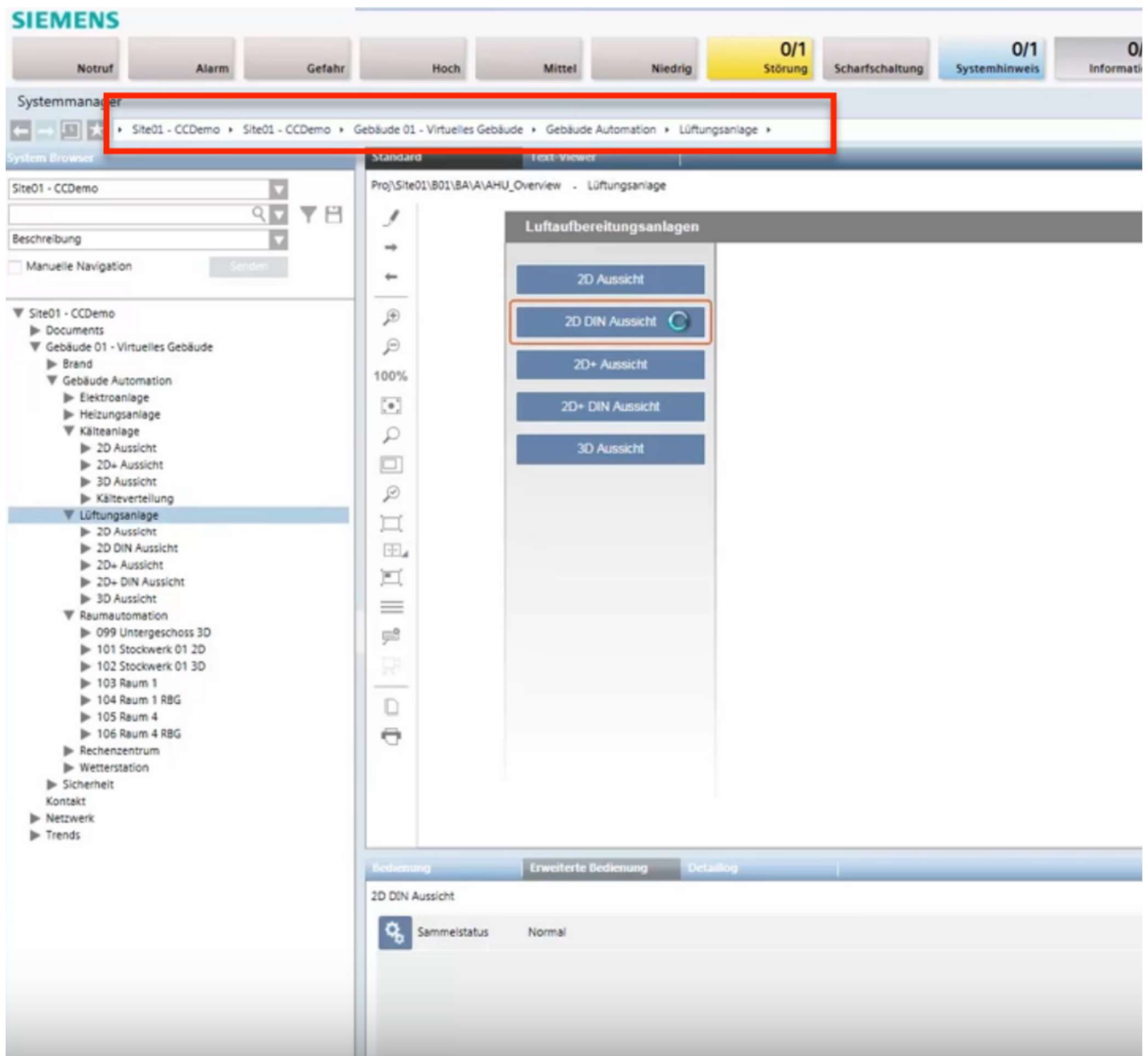


59. On information and belief, the '301 Accused Instrumentalities allow selecting a given active link to trigger the execution of a function associated with said given active link (e.g., in the Product Platform Instrumentalities, selecting a given active link such as “Lüftungsanlage” triggers the execution of a function, such as displaying sibling menus (e.g., “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”) or directing user to certain content; as another example, in the Web Instrumentalities, selecting a given active link such as “IO Systems” triggers the execution of a function, such as displaying sibling menus (e.g., “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) or directing user to certain content). *See id.*

60. On information and belief, the '301 Accused Instrumentalities allow selecting a given active link to trigger display of information associated with said given active link (e.g., the

Product Platform Instrumentalities allow selecting the “Lüftungsanlage” active link to trigger the display of sibling menu items, such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”; as another example, the Web Instrumentalities allow selecting the “IO Systems” active link to trigger the display of “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”).

61. On information and belief, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

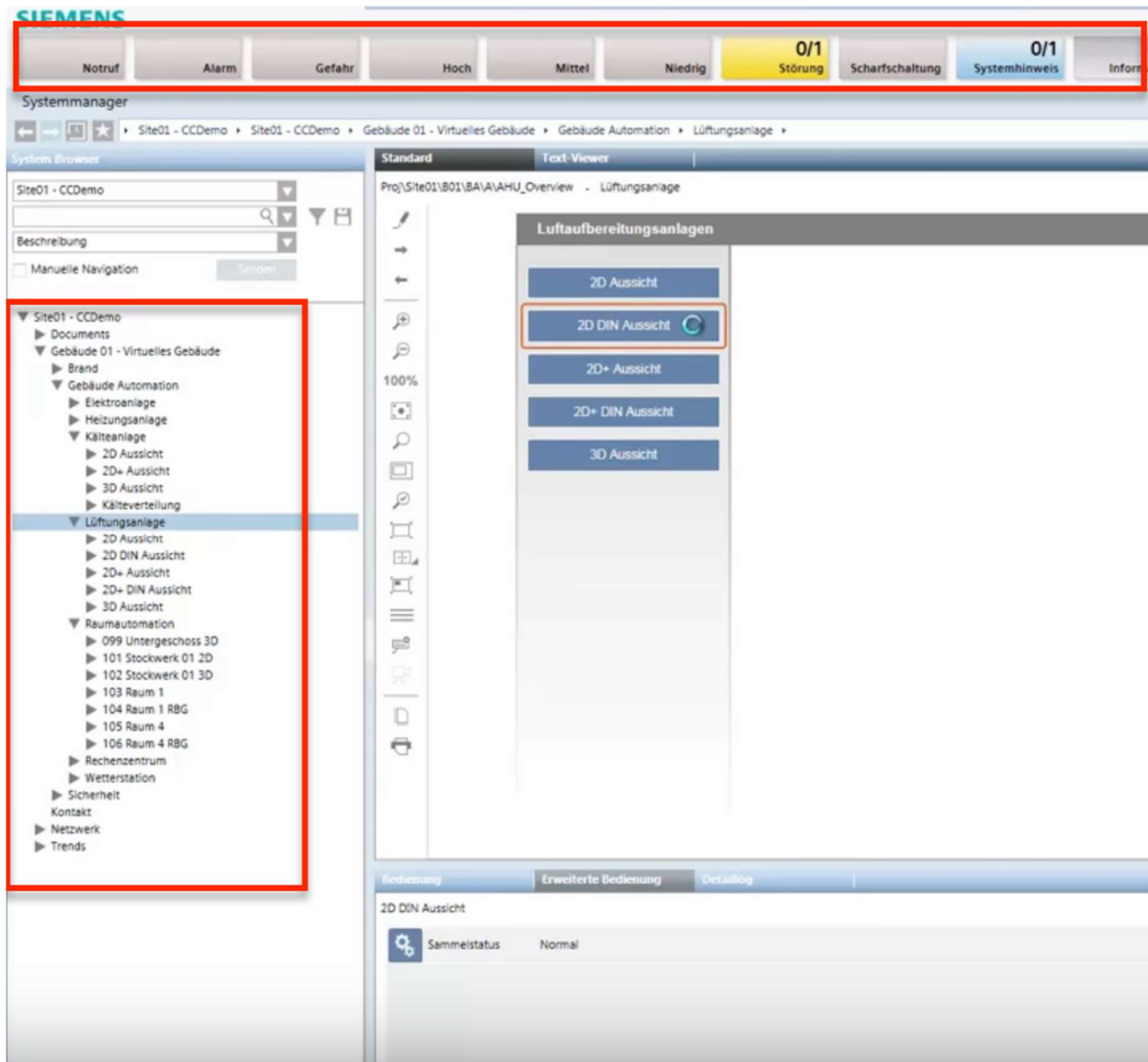
(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

 >
 Products & Services >
 Industrial Automation >
 Automation systems >
 Industrial Automation Systems SIMATIC >
 IO Systems

62. By way of example, the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., the '301 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical collapsing menu structure where each level in the information structure contains plural items, each said item being at least one of a function, a pointer to a location, and a pointer to another level (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" includes "Gebäude 01—Virtuellies Gebäude," which includes "Gebäude Automation," which includes "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services," includes "Industrial Automation," which includes "Automation systems," which includes "Industrial Automation Systems SIMATIC," which includes "IO Systems")) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

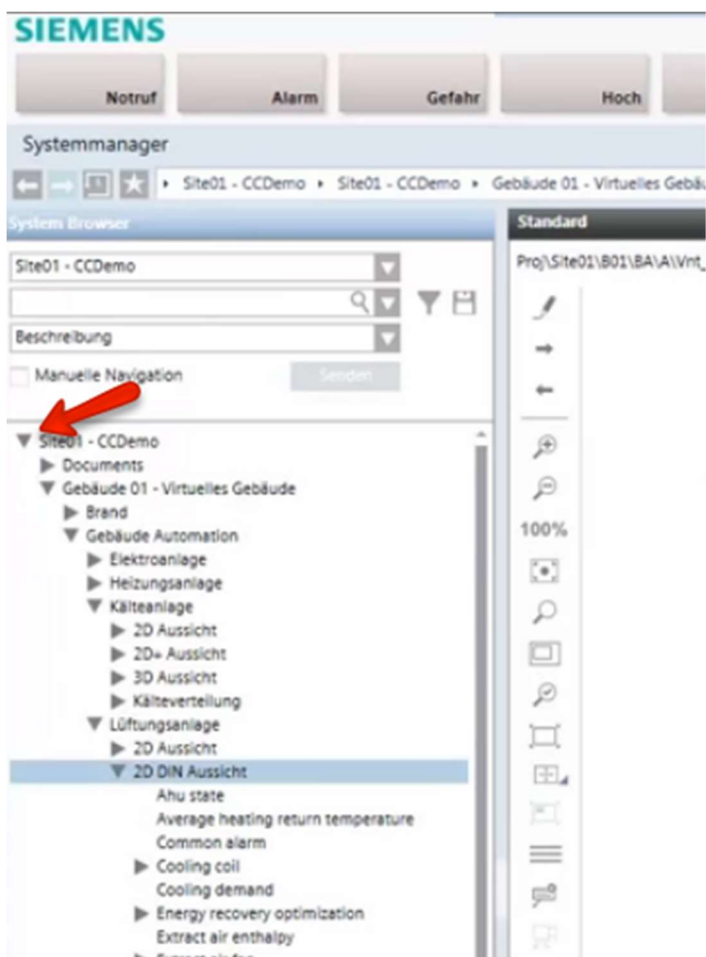
(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

63. More specifically, the '301 Accused Instrumentalities provide displaying a graphic element representing a root of the hierarchical information structure (e.g., the Product Platform instrumentalities display a “▼ Site01—CCDemo” that represents a root of the hierarchical information structure; as another example, the Web Instrumentalities display “Products & Services” that represents a root of the hierarchical information structure) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see also <https://new.siemens.com/global/en/products/software/mobile-apps.html> (last visited Feb. 10, 2020):

Products & Services	Market-specific Solutions	Company
Building technology >		Services >
Energy >		Software >
Drive Technology >		Consumer Products >
Financing >		
Healthineers >		
Industrial Automation >		
Mobility >		

64. Also, the '301 Accused Instrumentalities allow browsing the hierarchical information structure by rolling over said graphic element using a pointing device (e.g., by rolling over a mouse over the “▼ Site01—CCDemo” graphical element and selecting “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the Product Platform Instrumentalities or by rolling over a mouse over the “Products & Service” graphical element and selecting “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the Web Instrumentalities), wherein browsing results in the display of sibling items or hierarchically subordinate items (e.g., in the Product Platform Instrumentalities, browsing “Lüftungsanlage” results in the display of items such as “2D Aussicht”; as another example, in the Web Instrumentalities, browsing “Products & Services” results in the display of items such as “Industrial Automation”); selecting one of the displayed

items (e.g., in the Product Platform Instrumentalities, selecting “Lüftungsanlage” under “Gebäude Automation”; as another example, in the Web Instrumentalities, selecting “Automation systems” under “Industrial Automation”); dynamically constructing an Active Path as a sequence of active links as items are selected (e.g., the Product Platform Instrumentalities dynamically construct an active path “Site01—CCDemo—Gebäude 01 – Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as each item is selected; as another example, the Web Instrumentalities dynamically construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as each item is selected), with one said active link corresponding to each of the items selected, said active links providing direct access to one of a function, corresponding level and item without the need to navigate from the root of the hierarchical information structure (e.g., in the Product Platform Instrumentalities, each active link in the active path “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” provides direct access to one of a function, corresponding level and item without the need to navigate from the root of the hierarchical information structure; as another example, in the Web Instrumentalities, each active link in the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” provides direct access to one of a function, corresponding level and item without the need to navigate from the root of the hierarchical information structure).

65. Also, each said active link in the '301 Accused Instrumentalities enables the user to directly browse all items on any given level of the hierarchical information structure including all hierarchically subordinate items without affecting the Active Path (e.g., the Product Platform Instrumentalities enable the user to directly browse all items under “Lüftungsanlage” without

affecting the active path “Site0—1CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities enable the user to directly browse all items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

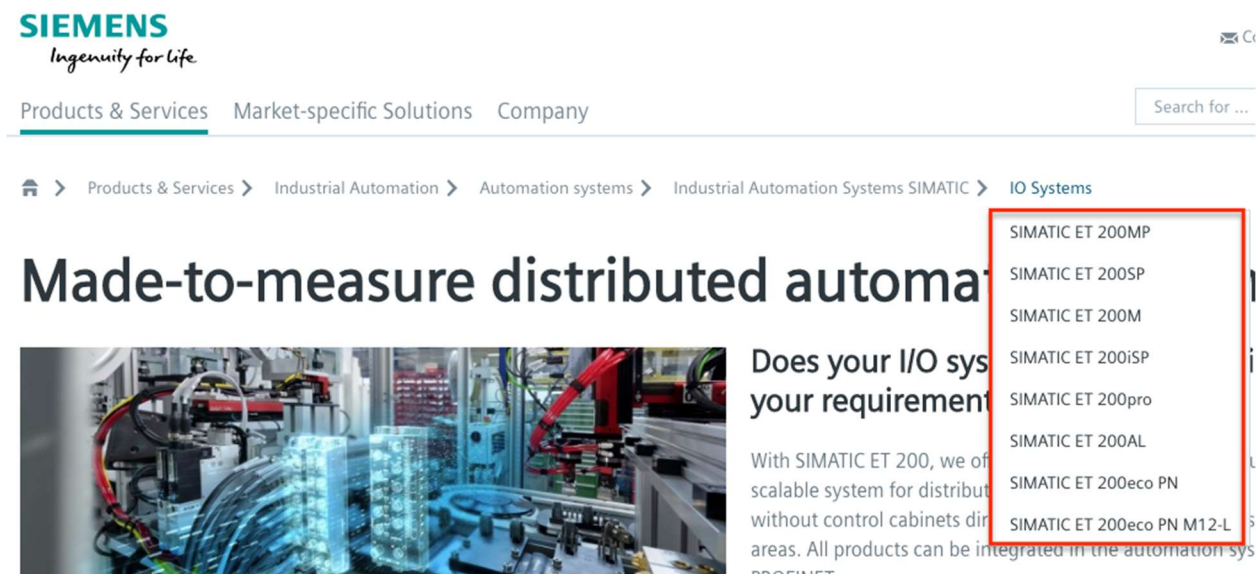


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



66. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’301 Patent beyond the ’301 Accused Instrumentalities already identified through public information.

67. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-5 and 9 of the '301 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '301 Accused Instrumentalities constitutes direct infringement of at least Claims 1-5 and 9 of the '301 Patent.

68. In particular, Defendants' actions aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using the '301 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '301 Patent and knowledge that their acts were inducing infringement of the '301 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '301 Patent.

69. Defendants' acts of inducement include, without limitation: providing the '301 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '301 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '301 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://new.siemens.com/global/en/general/contact.html> (providing contact information to address sales regarding the '301 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also*

<https://new.siemens.com/global/en/company/jobs.html> (providing employment information that can be accessed using the '301 Accused Instrumentalities); *see also*

<https://new.siemens.com/global/en/products/buildings/partners/desigocc-ecosystem.html> (providing information on contacting a Desigo CC Ecosystem developer to create applications); providing information, advertising, and instructions for the Product Platform Instrumentalities through Defendants' own and third-party websites (e.g.,

<https://www.downloads.siemens.com/download-center/Download.aspx?pos=download&fct=getasset&id1=A6V10444816> and

<https://www.integratedcontrols.co.za/wp/siemens-sites/> (providing promotional materials on functions and features of the Product Platform Instrumentalities)); encouraging customers and other third parties to use the '301 Accused Instrumentalities (e.g.,

<http://knxtoday.com/2020/01/15030/siemens-introduces-updated-desigo-cc-building-management-platform-with-improved-knx-support.html> (encouraging third parties to use the Product Platform Instrumentalities); *see also* <https://www.youtube.com/watch?v=6ehhde6SRTU> and <https://www.youtube.com/watch?v=6ehhde6SRTU> (encouraging new and prospective customers and other third parties to use the Product Platform Instrumentalities); *see also*

https://www.facebook.com/Siemens/?ref=br_rs (providing an URL (https://new.siemens.com/global/en/company/about/businesses.html?fbclid=IwAR2Rlvms5EimVTAQW0Xg2Bpoe-tGFjCs33izANKLan_pO-IIio87IS2y1nY) to a "Our Businesses" webpage that can be accessed using the Web Instrumentalities); *see also*

https://www.downloads.siemens.com/download-center/download?DLA07_2535 (providing an URL (<https://new.siemens.com/global/en/products/energy/energy-automation-and-smart-grid/energy-is-going-digital.html>) to content through the Web Instrumentalities); *see also*

<https://new.siemens.com/global/en/company/investor-relations/share-bonds-rating.html>

(recommending investors and other third parties to use the Web Instrumentalities to access financial results relating to Defendants' financial information); *see also*

<https://www.facebook.com/Siemens/>,

<https://twitter.com/Siemens/status/1232923300126502914?s=20>,

<https://www.instagram.com/siemens/>, and <https://www.linkedin.com/company/siemens/about/>

(Defendants' social media accounts promoting the use of the Web Instrumentalities through which various media content can be accessed); *see also* <https://press.siemens.com/global/en>

(providing press releases and news encouraging customers and other third parties to use the Web Instrumentalities to access content (for example, providing an URL

(<https://press.siemens.com/global/en/pressrelease/siemens-supports-volkswagen-develop-digitized-electric-car-production>) to an "Automotive Manufacturing" webpage that can be accessed using the Web Instrumentalities)); *see also*

[https://new.siemens.com/global/en/company/fairs-events/hannover-](https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html)

[messe/mindspherelounge.html](https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html) (encouraging third parties to use the Web Instrumentalities to access content and information regarding Defendants' international fairs and events (for example, providing an URL (<https://siemens.mindsphere.io/en/openspace>) to an "Mindsphere Open Space" webpage that can be accessed using the Web Instrumentalities)); and

<https://new.siemens.com/global/en/company/stories/industry/3ddruck-ki.html> (providing stories encouraging customers and other third parties to use the Web Instrumentalities to access content (providing an URL (<https://new.siemens.com/global/en/products/automation/pc-based/iot-gateways/iot2000.html>) to a "SIMATIC IOT2000" webpage that can be accessed using the Web Instrumentalities)); and providing support and training to enable the use of the '301 Accused

Instrumentalities (e.g., <https://desigoccecosystem.com/WebClientApplication/en-US/index.html> and <https://desigoccecosystem.com/WebClientApplication/Help/EngineeringHelp/en-US/index.html> (providing an online support and remote client platform for supporting and training customers, including those in the U.S., on the use of the Product Platform Instrumentalities)).

70. Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the '301 Patent. At the very least, because Defendants have been, and remain, on notice of the '301 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

71. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1-5 and 9 of the '301 Patent pursuant to 35 U.S.C. § 271(c) by providing the '301 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '301 Accused Instrumentalities are especially made or adapted for use in an infringement of the '301 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '301 Accused Instrumentalities are material components or apparatuses for use in practicing the '301 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

72. For example, the '301 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s). Defendants supplied, and continue to supply, the '301 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '301 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '301 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products and services and the '301 Patent that the '301 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '301 Patent and there is no substantial non-infringing use of the '301 Accused Instrumentalities, or components or apparatuses thereof.

73. Defendants have directly and indirectly infringed the '301 Patent and are thus liable for infringement of the '301 Patent pursuant to 35 U.S.C. § 271.

74. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '301 Patent.

75. Defendants have continued to infringe the '301 Patent since at least as of the filing date of this Complaint, despite being on notice of the '301 Patent and their infringement. Defendants have therefore infringed the '301 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least as of the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

76. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '301 Accused Instrumentalities infringe the '301 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

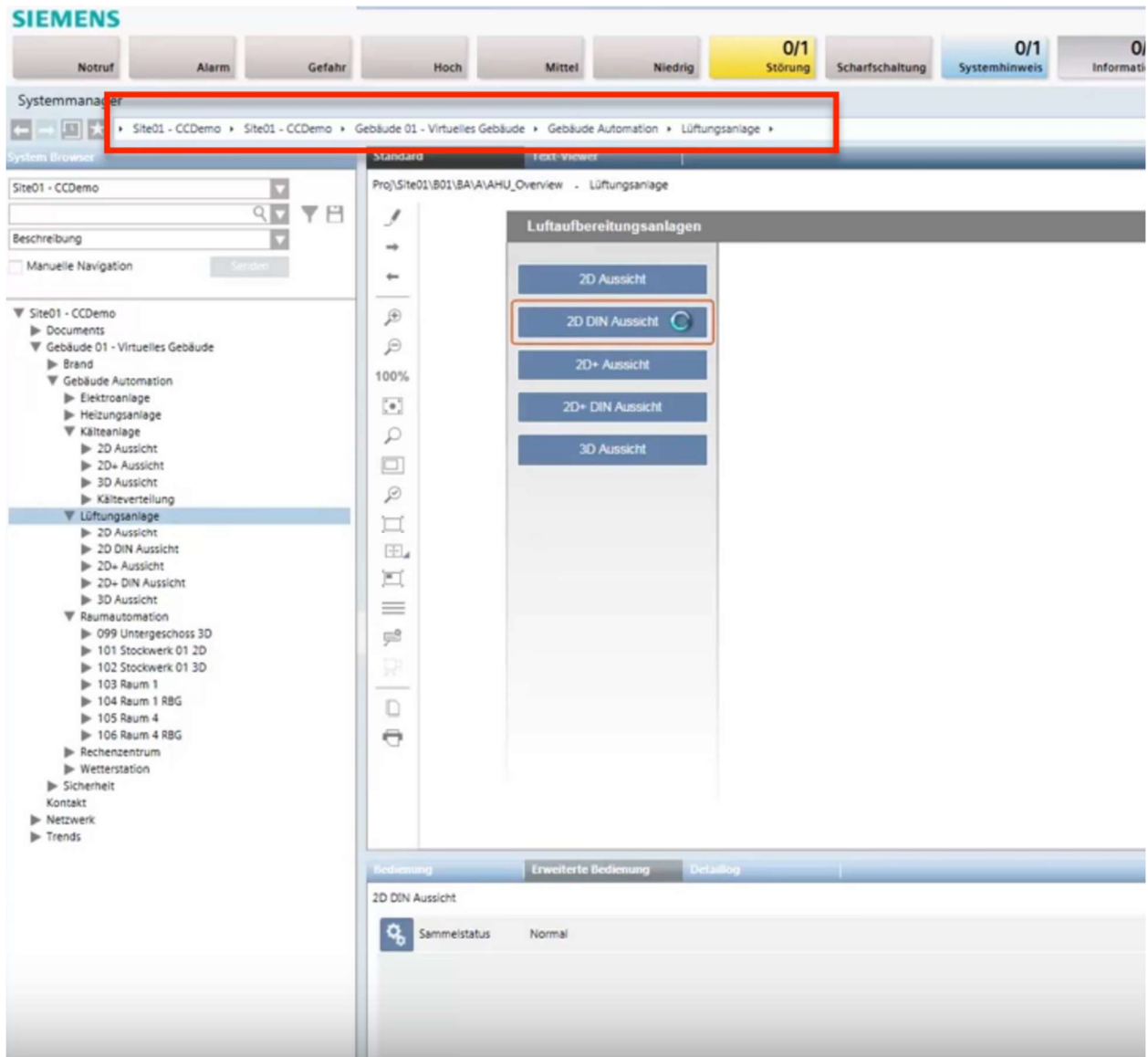
COUNT III - INFRINGEMENT OF U.S. PATENT NO. 7,640,517

77. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

78. The '517 Patent is directed to systems and methods for navigating within a hierarchical menu structure, as described and claimed in the '517 Patent.

79. Defendants have and continue to directly infringe at least Claims 1-3 and 5-6 the '517 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) Desigo CC Integrated Facilities Management Platform or similar product platforms or tools ("Platforms"), including hardware and software in support thereof ("Product Platform Instrumentalities"); (ii) web pages, menus, and menu structures to be interactively presented and navigated via browsers, including, without limitation, web pages, menus, and menu structures accessible via <https://new.siemens.com/global/en.html> and maintained on servers located in and/or accessible from the United States under the control of Defendants ("Web Instrumentalities"); (iii) software, including, without limitation, software that allows web pages,

menus, and menu structures to be interactively presented and navigated in and/or served to such Platforms or browsers; (iv) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a hierarchical menu structure, where each level in the menu contains plural items (collectively, the “517 Accused Instrumentalities”) as shown below:

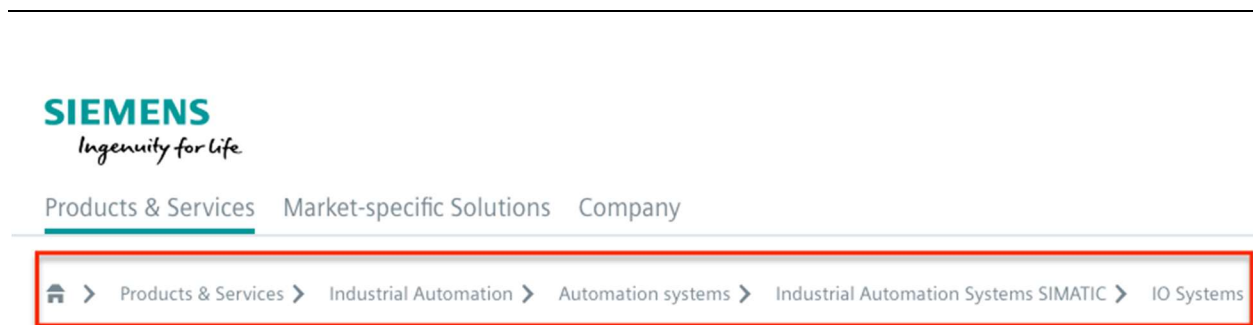


See Siemens, *Desigo CC - Einfache Navigation*, available at

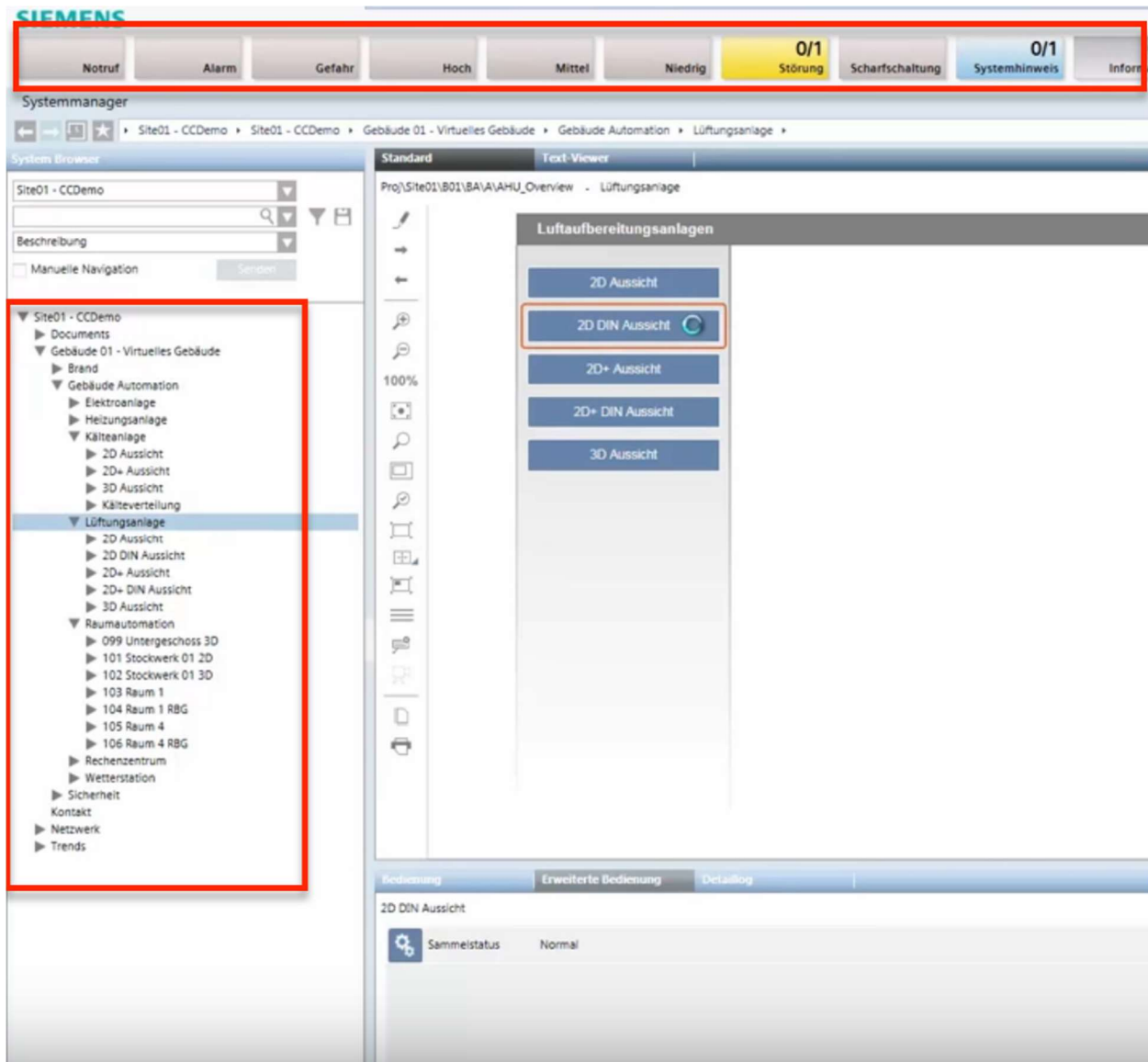
<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



80. By way of example, the '517 Accused Instrumentalities provide a method for navigating within a hierarchical menu structure where each level in the menu contains plural items (e.g., the '517 Accused Instrumentalities provide a method for navigating within a hierarchical menu structure where each level in the menu contains plural items (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" includes "Gebäude 01 – Virtuellies Gebäude," which includes "Gebäude Automation," which includes "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services," includes "Industrial Automation," which includes "Automation systems," which includes "Industrial Automation Systems SIMATIC," which includes "IO Systems")) as shown below:

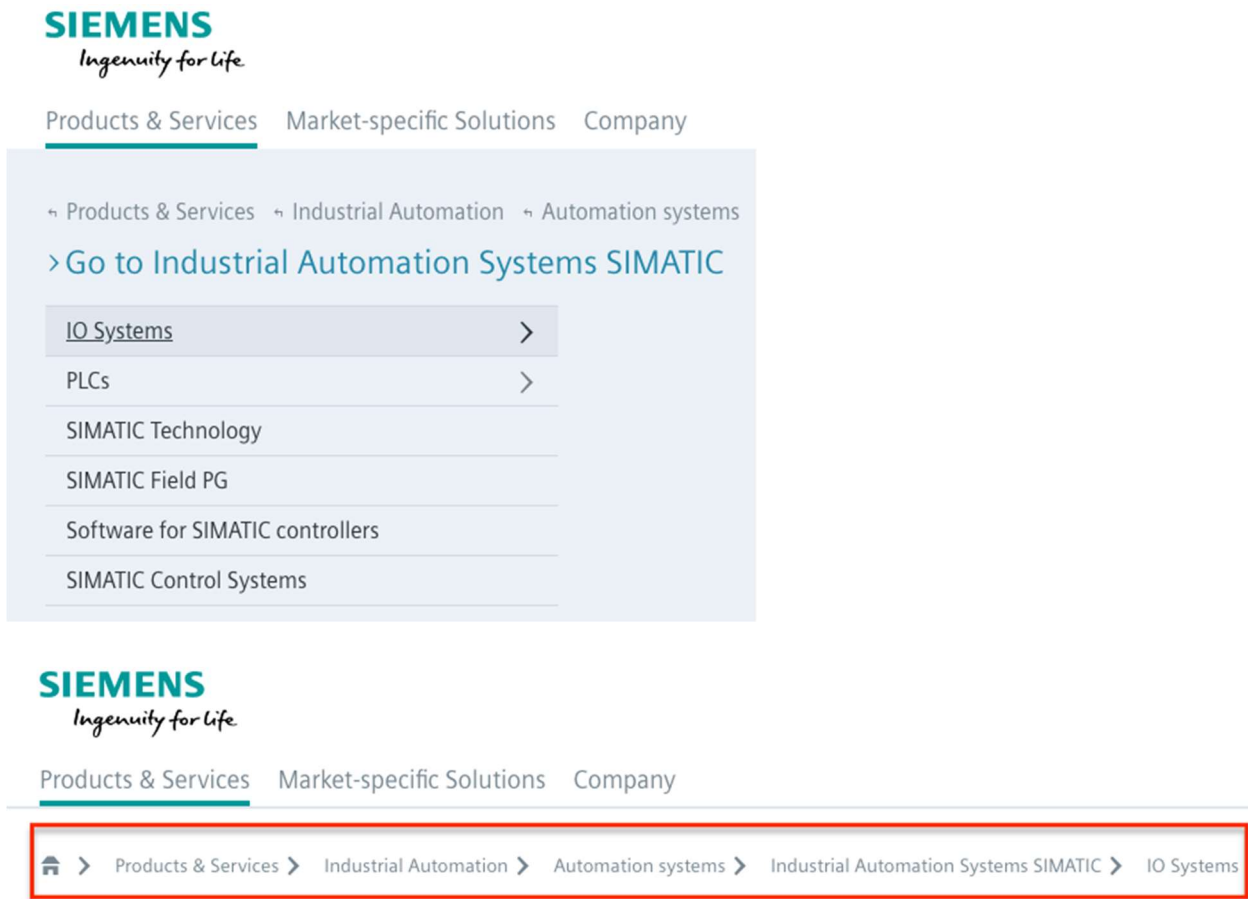


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

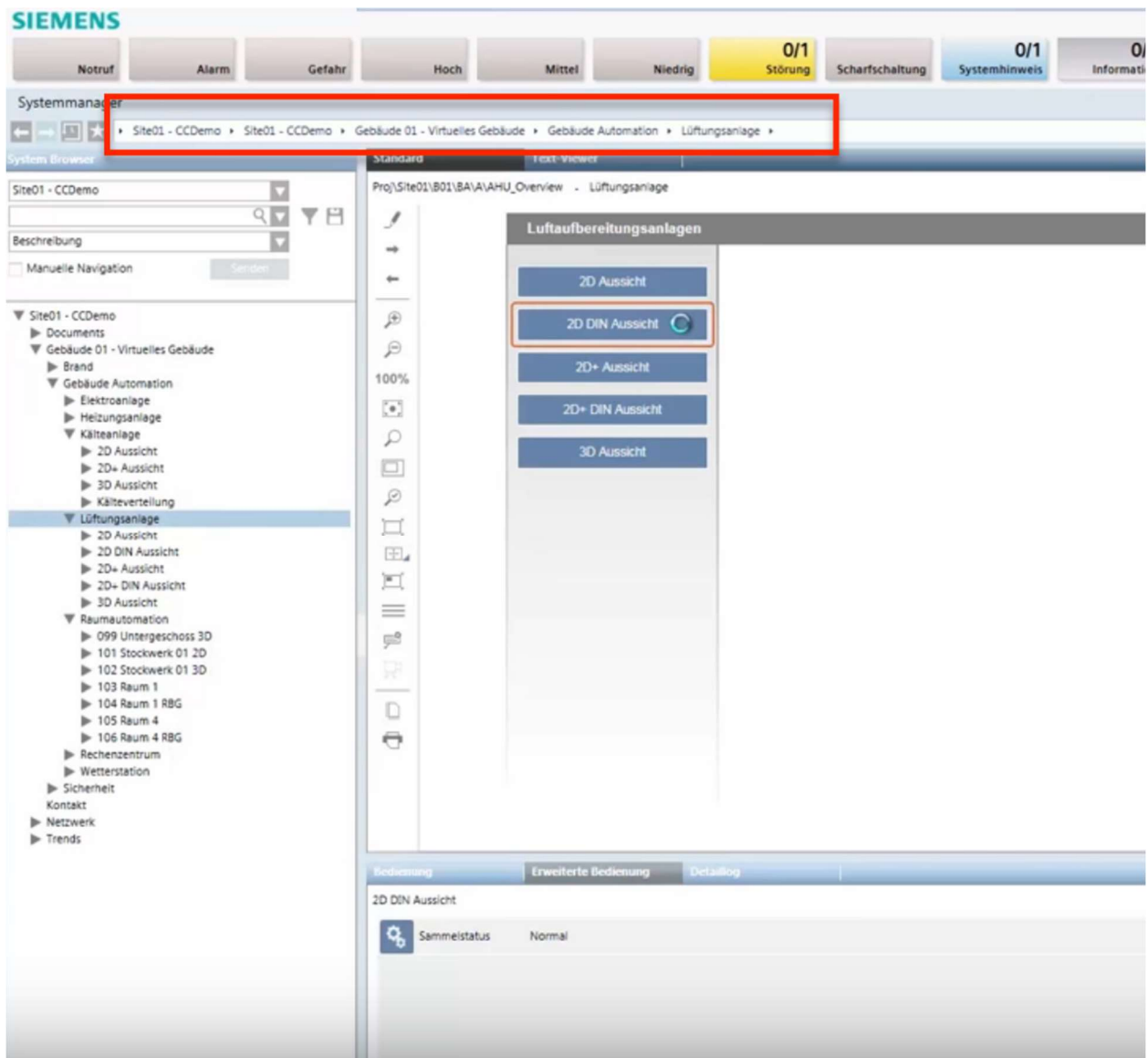
(last visited Feb. 10, 2020) (annotated):



81. More specifically, the '517 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level and enabling selection thereof (e.g., in the Product Platform Instrumentalities, “Site01—CCDemo” displays and enables the selection of “Gebäude 01—Virtuellies Gebäude,” which displays and enables the section of “Gebäude Automation,” which displays and enables the section of “Lüftungsanlage”; as another example, in the Web Instrumentalities, “Products & Services” displays and enables the selection of items of a given level, such as “Industrial Automation,” which displays and enables the selection of “Automation systems,” which displays and enables the selection of “Industrial Automation Systems SIMATIC,” which displays and enables the selection of “IO Systems” and “PLCs”), wherein access of said given level requires sequential access of each of the levels preceding said given level in the hierarchy (e.g., in the Product Platform Instrumentalities, to access “Gebäude

01—Virtuellies Gebäude,” “Site01—CCDemo” is accessed first; as another example, in the Web Instrumentalities, to access “IO Systems,” “Industrial Automation Systems SIMATIC” is accessed first; as another example, to access “Industrial Automation,” “Products & Services” is accessed first); and constructing an Active Path as a sequence of hierarchical active links as items are selected using the graphical user menu system (e.g., the Product Platform Instrumentalities construct an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as each item is selected; as another example, the Web Instrumentalities construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as each item is selected)), with one said active link corresponding to each of the items selected, each said active link providing direct access to the hierarchical level from which the corresponding item was selected without using said graphical user menu system (e.g., in the Product Platform Instrumentalities, each active link in “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponds to each of the items selected, including “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage,” each providing direct access to the hierarchical level from which the corresponding item was selected without using Defendants’ graphical user menu system; as another example, in the Web Instrumentalities, each active link in “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” corresponds to each of the items selected, including “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems,” each providing direct access to the hierarchical level from which

the corresponding item was selected without using Defendants' graphical user menu system) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

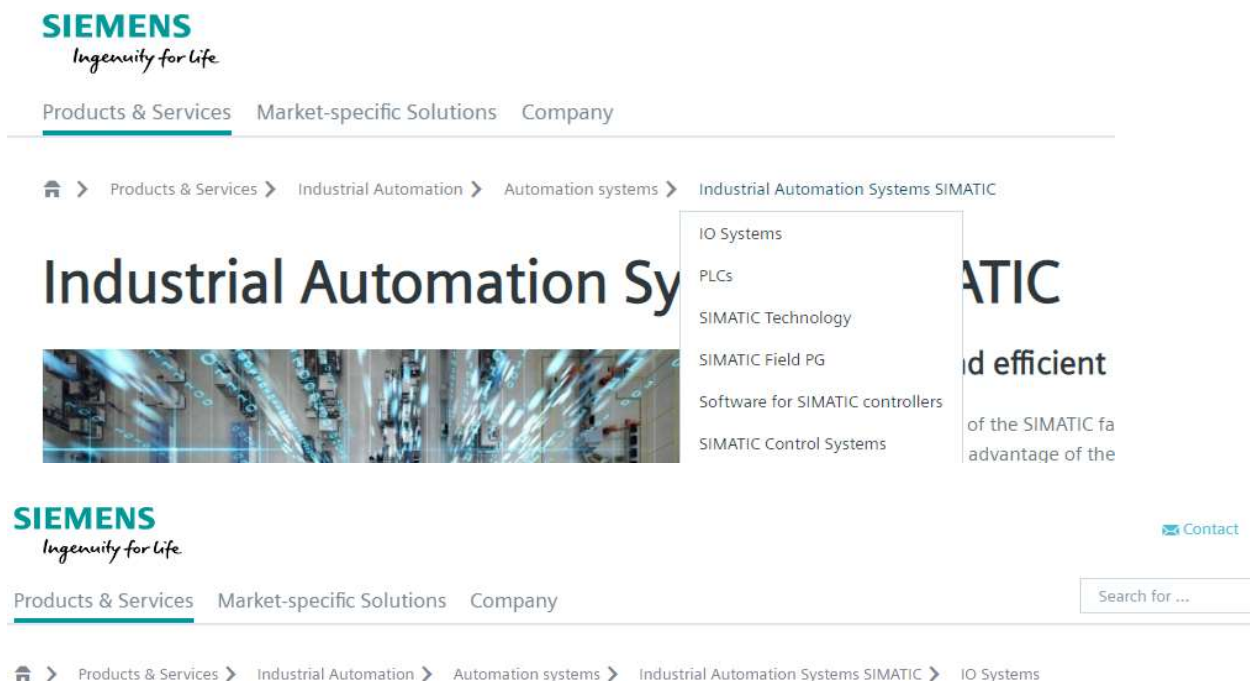
82. Also, the '517 Accused Instrumentalities display the Active Path as an alternative to the graphical user menu system for navigating the menu structure after the user has finished selecting items using the graphical user system such that the Active Path is displayed (e.g., the Product Platform Instrumentalities display the Active Path as an alternative to Defendants' graphical user menu system for navigating the menu structure after the user has finished selected items, such as "Lüftungsanlage," using Defendants' graphical user menu system such that Defendants' Active Path is displayed; as another example, the Web Instrumentalities display the Active Path as an alternative to Defendants' graphical user menu system for navigating the menu structure after the user has finished selected items, such as "Industrial Automation Systems SIMATIC," using Defendants' graphical user menu system such that Defendants' Active Path is displayed) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see also <https://new.siemens.com/global/en/products/automation/systems/industrial.html> (last visited Feb. 10, 2020) and

<https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020):



Made-to-measure distributed automation systems

83. On information and belief, in the '517 Accused Instrumentalities, rolling over a given active link with the pointer of a pointing device triggers the display of menu items on the hierarchical level associated with said given active link without disturbing the displayed Active Path (e.g., in the Product Platform Instrumentalities, rolling over the “Lüftungsanlage” active link triggers the display of sibling menu items, such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” without disturbing the displayed Active Path; as another example, the Web Instrumentalities, rolling over the “IO Systems” active link triggers the display of sibling menu items, such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET

200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” without disturbing the displayed Active Path) as shown below:

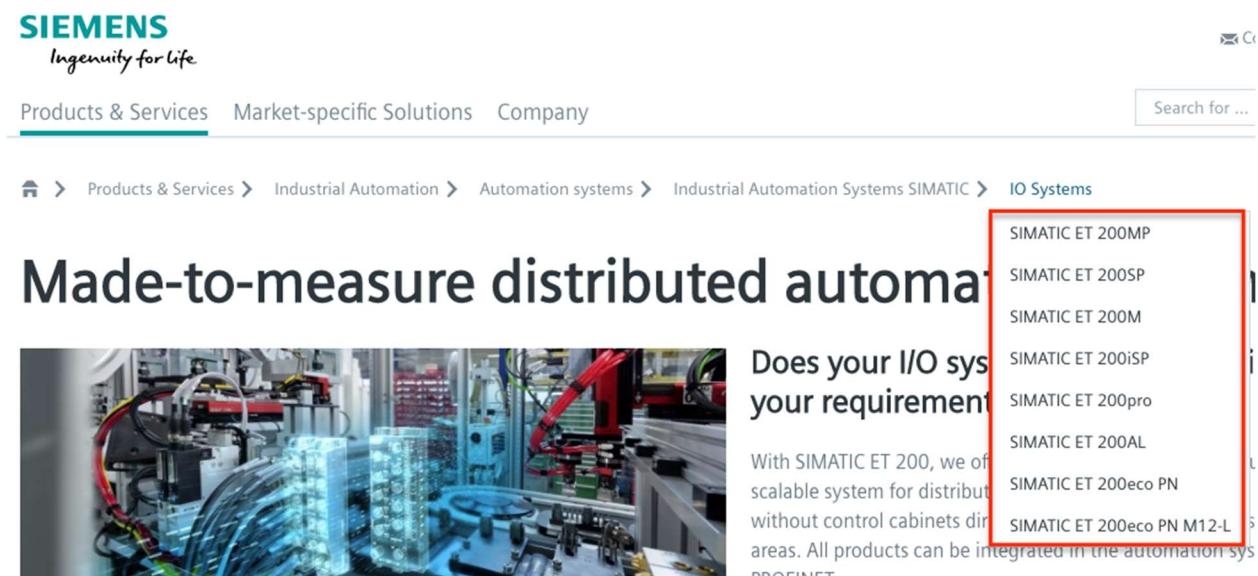


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

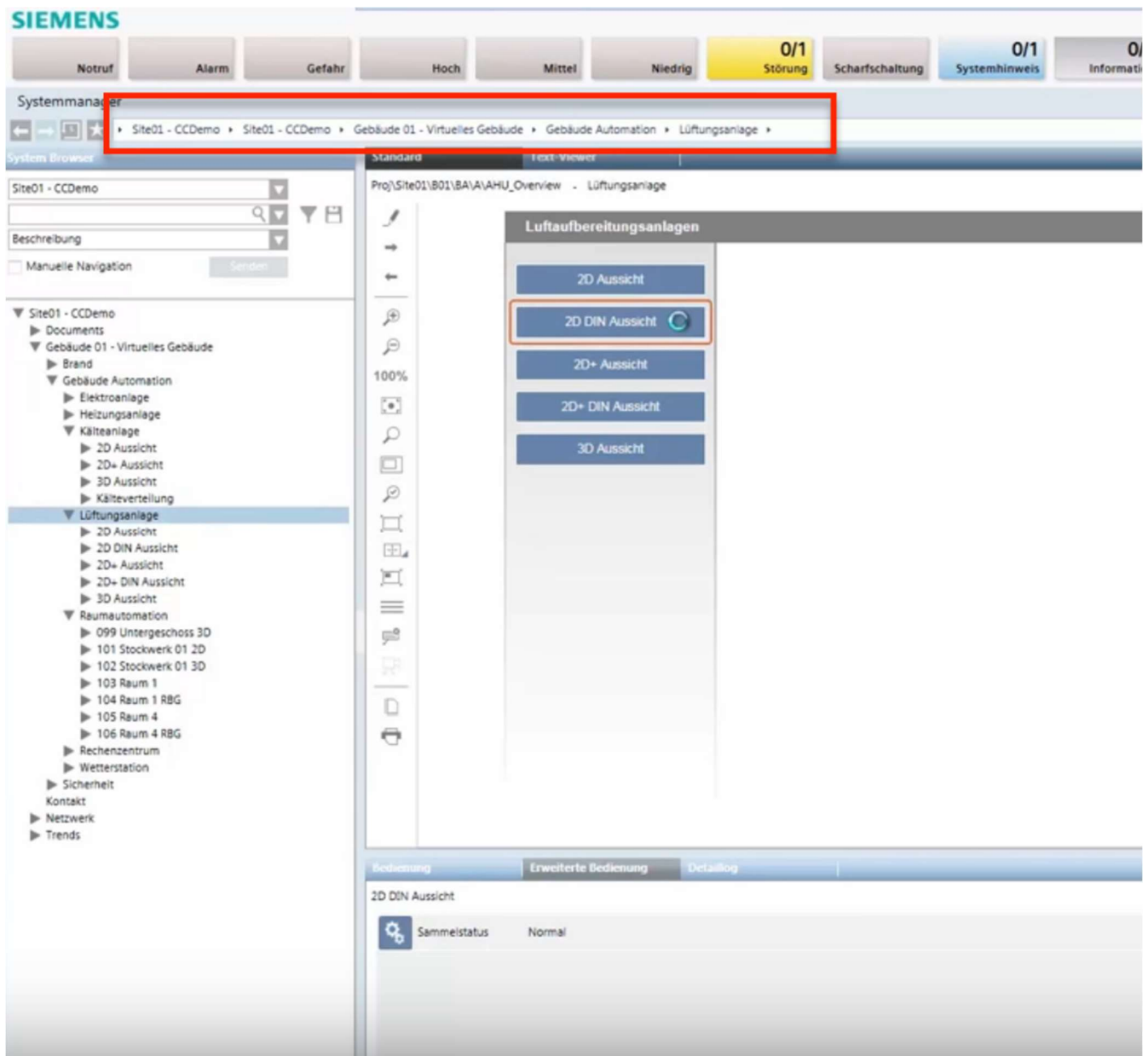
also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



84. On information and belief, the '517 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu enabling direct access to a given menu item; as another example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,”

“Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu enabling direct access to a given menu item) and automatically constructing the Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the menu items necessary to access said given menu item using said graphical user menu system (e.g., in the Product Platform Instrumentalities, the active path is automatically constructed when “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” or “Lüftungsanlage” is executed, with the active link “Site01 – CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each of the menu items necessary to access the given menu item; as another example, in the Web Instrumentalities, the active path is automatically constructed when “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” or “IO Systems” is executed, with the active link “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each of the menu items necessary to access the given menu item) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

85. On information and belief, in the '517 Accused Instrumentalities, a given active link is browsed by rolling over the given active link with a pointing device to trigger the display of sibling menu items on the level associated with said given active link (e.g., in the Product Platform Instrumentalities, rolling over the “Lüftungsanlage” active link triggers the display of sibling menu items, such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”; as another example, in the Web Instrumentalities, rolling over the “IO Systems” active link triggers the display of sibling menu items, such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):

86. On information and belief, in the '517 Accused Instrumentalities, selecting a given active link triggers the execution of a function associated with said given active link (e.g.,

in the Product Platform Instrumentalities, selecting a given active link such as “Lüftungsanlage” triggers the execution of a function, such as displaying sibling menus (e.g., “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”) or directing user to certain content; as another example, in the Web Instrumentalities, selecting a given active link such as “IO Systems” triggers the execution of a function, such as displaying sibling menus (e.g., “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) or directing user to certain content).

87. On information and belief, in the ’517 Accused Instrumentalities, selecting a given active link triggers display of information associated with said given active link (e.g., the Product Platform Instrumentalities allow selecting the “Lüftungsanlage” active link to trigger the display of sibling menu items, such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”; as another example, the Web Instrumentalities allow selecting the “IO Systems” active link to trigger the display of “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”).

88. Discovery is expected to uncover the full extent of Defendants’ infringement of the ’517 Patent beyond the ’517 Accused Instrumentalities already identified through public information.

89. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-3 and 5-6 the ’517 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants’ new, current, and prospective users,

partners, customers and other third parties, whose use of the '517 Accused Instrumentalities constitutes direct infringement of at least Claims 1-3 and 5-6 the '517 Patent.

90. In particular, Defendants' actions aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using the '517 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '517 Patent and knowledge that their acts were inducing infringement of the '517 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '517 Patent.

91. Defendants' acts of inducement include, without limitation: providing the '517 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '517 Accused Instrumentalities that enables and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '517 Accused Instrumentalities for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://new.siemens.com/global/en/general/contact.html> (providing contact information to address sales regarding the '517 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* <https://new.siemens.com/global/en/company/jobs.html> (providing employment information that can be accessed using the '517 Accused Instrumentalities); *see also* <https://new.siemens.com/global/en/products/buildings/partners/desigocc-ecosystem.html> (providing information on contacting a Desigo CC Ecosystem developer to create applications);

providing information, advertising, and instructions for the Product Platform Instrumentalities through Defendants' own and third-party websites (e.g.,

<https://www.downloads.siemens.com/download->

<center/Download.aspx?pos=download&fct=getasset&id1=A6V10444816> and

<https://www.integratedcontrols.co.za/wp/siemens-sites/> (providing promotional materials on

functions and features of the Product Platform Instrumentalities)); encouraging customers and

other third parties to use the '517 Accused Instrumentalities (e.g.,

<http://knxtoday.com/2020/01/15030/siemens-introduces-updated-desigo-cc-building->

<management-platform-with-improved-knx-support.html> (encouraging third parties to use the

Product Platform Instrumentalities); *see also* <https://www.youtube.com/watch?v=6ehhde6SRTU>

and <https://www.youtube.com/watch?v=6ehhde6SRTU> (encouraging new and prospective

customers and other third parties to use the Product Platform Instrumentalities); *see also*

https://www.facebook.com/Siemens/?ref=br_rs (providing an URL (

<https://new.siemens.com/global/en/company/about/businesses.html?fbclid=IwAR2Rlvms5EimV>

TAQW0Xg2Bpoe-tGFjCs33izANKLan_pO-IIio87IS2y1nY) to a "Our Businesses" webpage

that can be accessed using the Web Instrumentalities); *see also*

https://www.downloads.siemens.com/download-center/download?DLA07_2535 (providing an

URL (<https://new.siemens.com/global/en/products/energy/energy-automation-and-smart->

<grid/energy-is-going-digital.html>) to content through the Web Instrumentalities); *see also*

<https://new.siemens.com/global/en/company/investor-relations/share-bonds-rating.html>

(recommending investors and other third parties to use the Web Instrumentalities to access

financial results relating to Defendants' financial information); *see also*

<https://www.facebook.com/Siemens/>,

<https://twitter.com/Siemens/status/1232923300126502914?s=20>,
<https://www.instagram.com/siemens/>, and <https://www.linkedin.com/company/siemens/about/>
(Defendants' social media accounts promoting the use of the Web Instrumentalities through which various media content can be accessed); *see also* <https://press.siemens.com/global/en>
(providing press releases and news encouraging customers and other third parties to use the Web Instrumentalities to access content (for example, providing an URL
(<https://press.siemens.com/global/en/pressrelease/siemens-supports-volkswagen-develop-digitized-electric-car-production>) to an "Automotive Manufacturing" webpage that can be accessed using the Web Instrumentalities)); *see also*
<https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html> (encouraging third parties to use the Web Instrumentalities to access content and information regarding Defendants' international fairs and events (for example, providing an URL (<https://siemens.mindsphere.io/en/openspace>) to an "Mindsphere Open Space" webpage that can be accessed using the Web Instrumentalities")); and
<https://new.siemens.com/global/en/company/stories/industry/3ddruck-ki.html> (providing stories encouraging customers and other third parties to use the Web Instrumentalities to access content (providing an URL (<https://new.siemens.com/global/en/products/automation/pc-based/iot-gateways/iot2000.html>) to a "SIMATIC IOT2000" webpage that can be accessed using the Web Instrumentalities)); and providing support and training to enable the use of the '517 Accused Instrumentalities (e.g., <https://desigoccecosystem.com/WebClientApplication/en-US/index.html> and <https://desigoccecosystem.com/WebClientApplication/Help/EngineeringHelp/en-US/index.html> (providing an online support and remote client platform for supporting and

training customers, including those in the U.S., on the use of the Product Platform Instrumentalities)).

92. Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the '517 Patent. At the very least, because Defendants have been, and remain, on notice of the '517 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

93. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1-3 and 5-6 of the '517 Patent pursuant to 35 U.S.C. § 271(c) by providing the '517 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '517 Accused Instrumentalities are especially made or adapted for use in an infringement of the '517 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '517 Accused Instrumentalities are material components or apparatuses for use in practicing the '517 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

94. For example, the '517 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a hierarchical menu structure according to the claimed invention(s). Defendants supplied, and continue to supply, the '517 Accused

Instrumentalities, or components or apparatuses thereof, with the knowledge of the '517 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '517 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products and services and the '517 Patent that the '517 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '517 Patent and there is no substantial non-infringing use of the '517 Accused Instrumentalities, or components or apparatuses thereof.

95. Defendants have directly and indirectly infringed the '517 Patent and are thus liable for infringement of the '517 Patent pursuant to 35 U.S.C. § 271.

96. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '517 Patent.

97. Defendants have continued to infringe the '517 Patent since at least as of the filing date of this Complaint, despite being on notice of the '517 Patent and their infringement. Defendants have therefore infringed the '517 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least as of the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

98. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '517 Accused Instrumentalities infringe the '517 Patent. Plaintiffs intend only that the foregoing discussions

satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

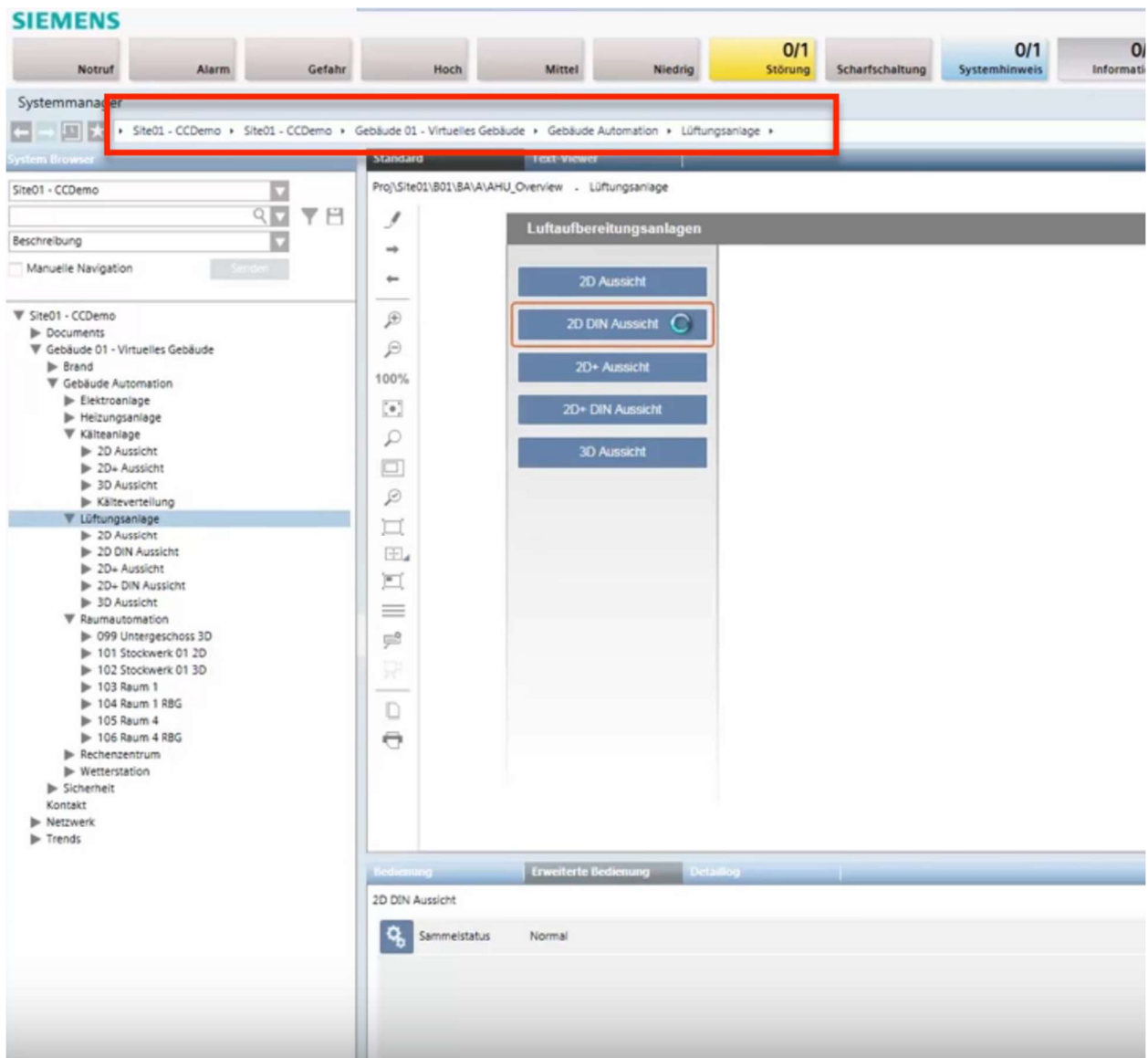
COUNT IV - INFRINGEMENT OF U.S. PATENT NO. 7,725,836

99. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

100. The '836 Patent is directed to systems and methods for navigating within a multi-level hierarchical information structure, as described and claimed in the '836 Patent.

101. Defendants have and continue to directly infringe at least Claims 1-5 and 7-8 the '836 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) Desigo CC Integrated Facilities Management Platform or similar product platforms or tools ("Platforms"), including hardware and software in support thereof ("Product Platform Instrumentalities"); (ii) web pages, menus, and menu structures to be interactively presented and navigated via browsers, including, without limitation, web pages, menus, and menu structures accessible via <https://new.siemens.com/global/en.html> and maintained on servers located in and/or accessible from the United States under the control of Defendants ("Web Instrumentalities"); (iii) software, including, without limitation, software that allows web pages, menus, and menu structures to be interactively presented and navigated in and/or served to such Platforms or browsers; (iv) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating within a multi-level hierarchical information structure where each level in the menu contains plural items,

each said item being at least one of a function, a pointer to a location, and a pointer to another level (collectively, the “836 Accused Instrumentalities”) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

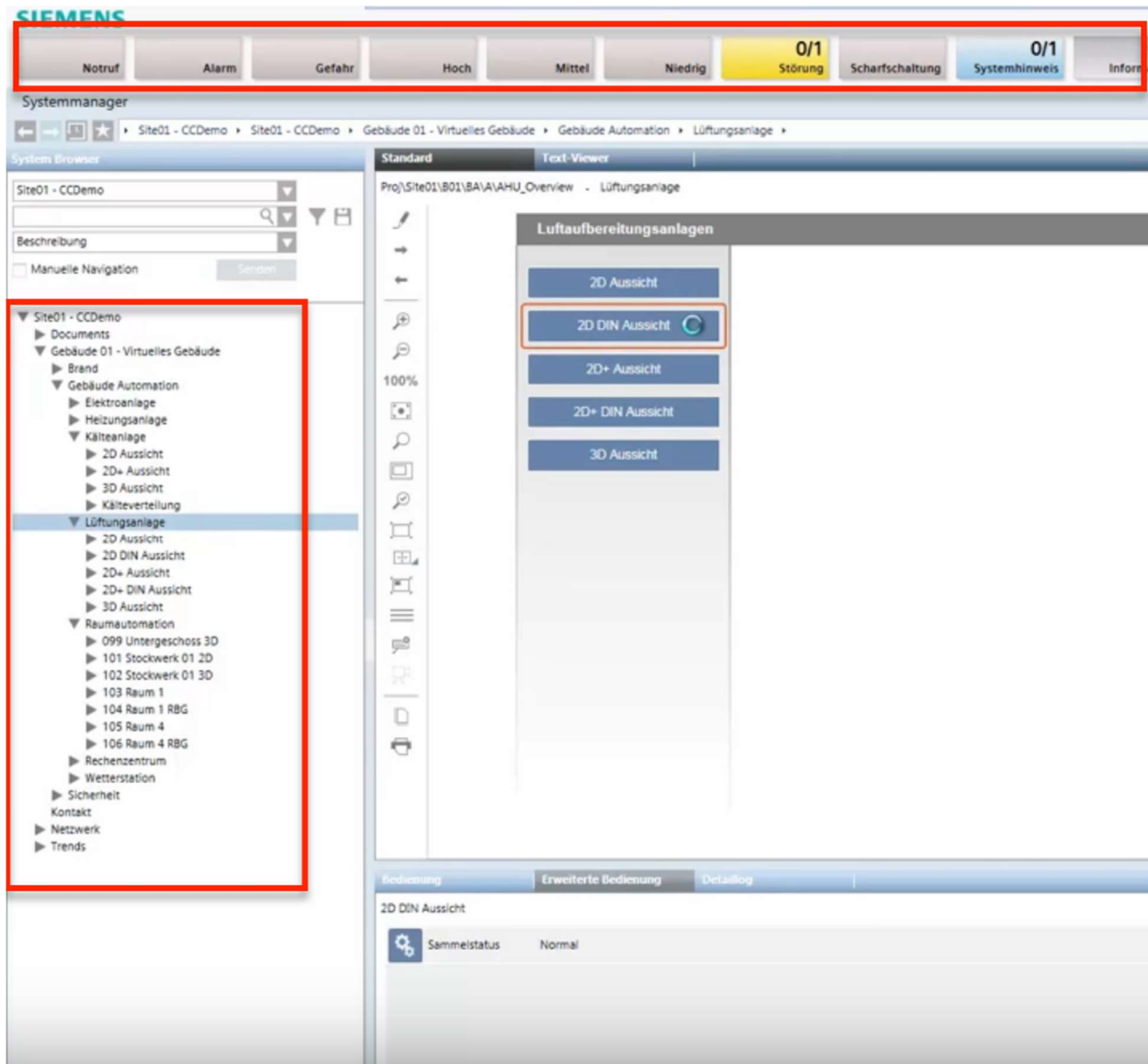
(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

 >
 Products & Services >
 Industrial Automation >
 Automation systems >
 Industrial Automation Systems SIMATIC >
 IO Systems

102. By way of example, the '836 Accused Instrumentalities provide a method for navigating within a multi-level hierarchical information structure where each level in the menu contains plural items (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" includes "Gebäude 01—Virtuellies Gebäude," which includes "Gebäude Automation," which includes "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services," includes "Industrial Automation," which includes "Automation systems," which includes "Industrial Automation Systems SIMATIC," which includes "IO Systems")) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Products & Services Industrial Automation Automation systems

> Go to Industrial Automation Systems SIMATIC

IO Systems >

PLCs >

SIMATIC Technology

SIMATIC Field PG

Software for SIMATIC controllers

SIMATIC Control Systems



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

103. More specifically, the '836 Accused Instrumentalities provide a graphical user menu system displaying the items of a given level of the hierarchical information structure and enabling selection thereof (e.g., in the Product Platform Instrumentalities, "Site01—CCDemo" displays and enables the selection of "Gebäude 01—Virtuellies Gebäude," which displays and enables the section of "Gebäude Automation," which displays and enables the section of "Lüftungsanlage"; as another example, in the Web Instrumentalities, "Products & Services" displays and enables the selection of items of a given level, such as "Industrial Automation," which displays and enables the selection of "Automation systems," which displays and enables the selection of "Industrial Automation Systems SIMATIC," which displays and enables the selection of "IO Systems" and "PLCs"); and constructing an Active Path as a sequence of active links as the user navigates the information structure using the graphical user menu system (e.g.,

the Product Platform Instrumentalities construct an active path “Site01 – CCDemo—Gebäude 01 – Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as a sequence of active links as the user navigates the information structure using Defendants’ graphical user menu system; as another example, the Web Instrumentalities construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as a sequence of active links as the user navigates the information structure using Defendants’ graphical user menu system), with one said active link corresponding to each of the hierarchical levels accessed by the user (e.g., in the Product Platform Instrumentalities, each active link in “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponds to each of the hierarchical levels accessed by the user, including “Site01 – CCDemo,” “Gebäude 01 – Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”; as another example, in the Web Instrumentalities, each active link in “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” corresponds to each of the hierarchical levels accessed by the user, including “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems”), said active links providing direct access to one of a function, corresponding level and menu item without the need to navigate using said graphical user menu system (e.g., in the Product Platform Instrumentalities, each active link in the active path “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” provides direct access to one of a function, corresponding level and menu item without the need to navigate using Defendants’ graphical user menu system; as another example, in the Web Instrumentalities, each active link in the active path “Products & Services—Industrial Automation—Automation

systems—Industrial Automation Systems SIMATIC—IO Systems” provides direct access to one of a function, corresponding level and menu item without the need to navigate using Defendants’ graphical user menu system) as shown below:

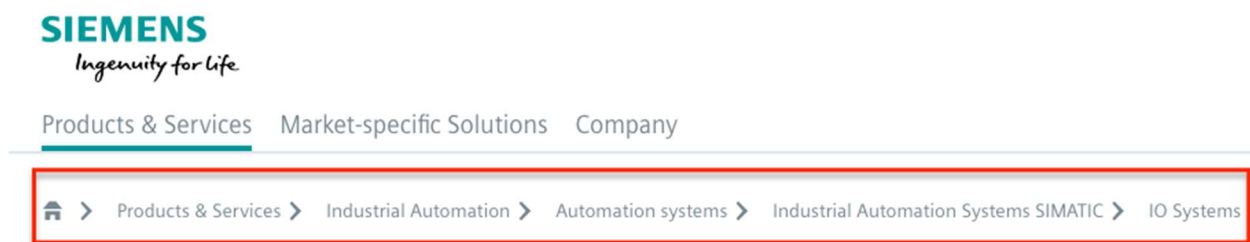


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



104. Also, in the '836 Accused Instrumentalities, a given said active link enables the user to browse items of the hierarchical information structure starting from the level corresponding with the given active link and items on hierarchically subordinate levels without affecting the Active Path (e.g., the Product Platform Instrumentalities enable the user to browse all items under “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities enable the user to browse all items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

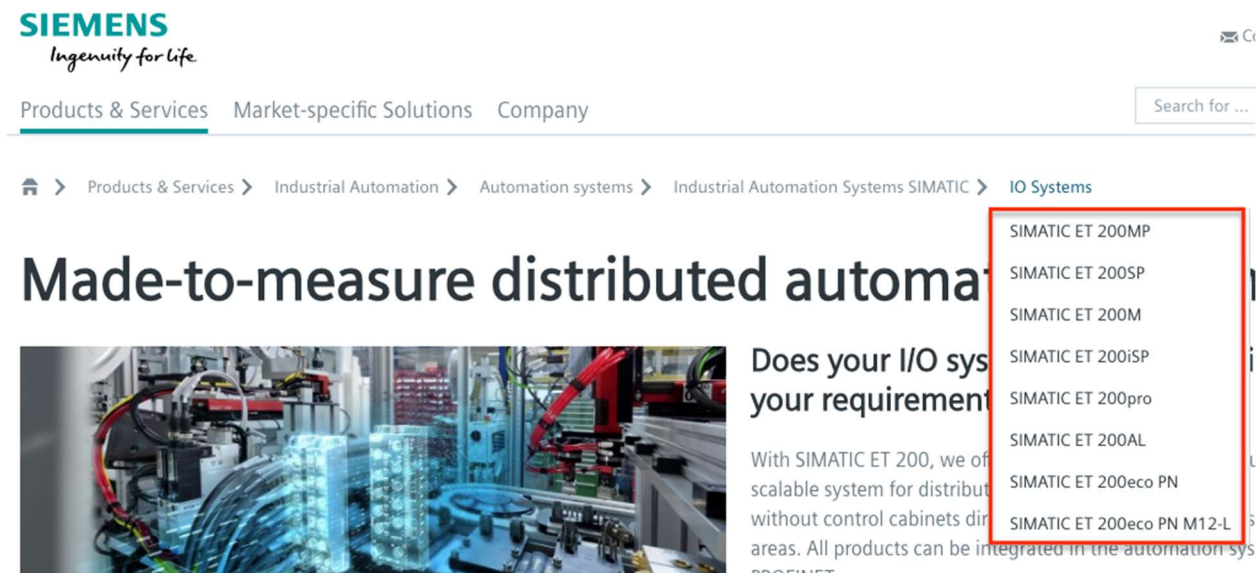


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

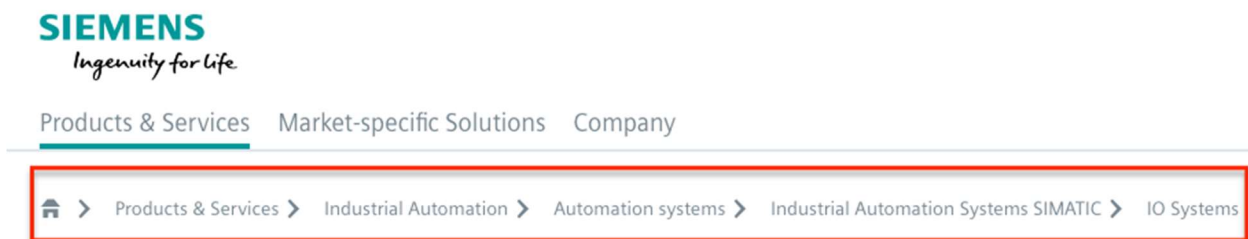
also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



105. On information and belief, the '836 Accused Instrumentalities provide pre-defined short-cuts enabling direct access to a given menu item (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu enabling direct access to a given menu item; as another example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu enabling direct access to a given menu item); and dynamically constructing the

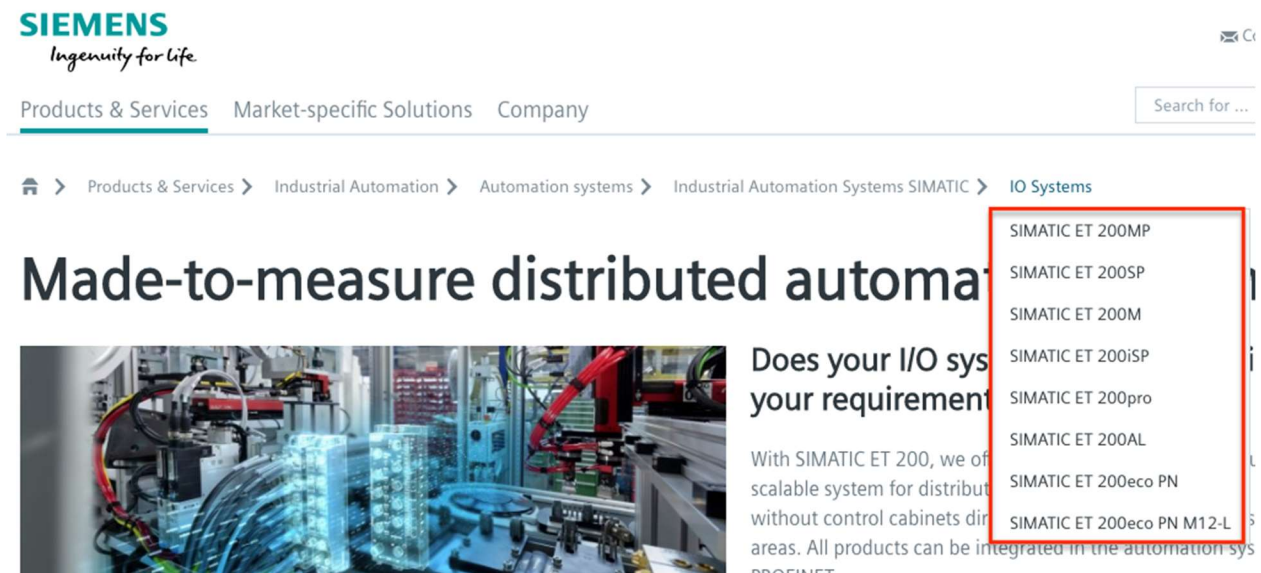
Active Path when a pre-defined short-cut is executed, with one said active link corresponding to each of the menu items necessary to access said given menu item using said graphical user menu system (e.g., Product Platform Instrumentalities dynamically constructs the active path when “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” or “Lüftungsanlage” is executed, with the active link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each of the menu items necessary to access the given menu item; as another example, in the Web Instrumentalities, the active path is automatically constructed when “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” or “IO Systems” is executed, with the active link “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each of the menu items necessary to access the given menu item) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020) (annotated).

106. On information and belief, in the '836 Accused Instrumentalities, rolling over a selected active link triggers the display of sibling menu items on the hierarchically subordinate levels associated with said selected active link (e.g., in the Product Platform Instrumentalities, rolling over the “Lüftungsanlage” active link triggers the display of sibling menu items, such as

“2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”; as another example, in the Web Instrumentalities, rolling over the “IO Systems” active link triggers the display of sibling menu items, such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020) (annotated).

107. On information and belief, the '836 Accused Instrumentalities allow selecting a given active link triggers the execution of a function associated with said given active link (e.g., in the Product Platform Instrumentalities, selecting a given active link such as “Lüftungsanlage” triggers the execution of a function, such as displaying sibling menus (e.g., “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”) or directing user to certain content; as another example, in the Web Instrumentalities, selecting a given active link such as “IO Systems” triggers the execution of a function, such as displaying sibling menus (e.g., “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET

200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) or directing user to certain content).

108. On information and belief, the '836 Accused Instrumentalities allow selecting a given active link to trigger display of information associated with said given active link (e.g., in the Product Platform Instrumentalities, selecting a given active link such as “Lüftungsanlage” triggers the execution of a function, such as displaying sibling menus (e.g., “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”) or directing user to certain content; as another example, in the Web Instrumentalities, selecting a given active link such as “IO Systems” triggers the execution of a function, such as displaying sibling menus (e.g., “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L”) or directing user to certain content).

109. On information and belief, the multi-level hierarchical information structure is a website (e.g., in the Web Instrumentalities, the website is <https://new.siemens.com/global/en.html>; as another example, to the extent that the Product Platform Instrumentalities are made available to users via a website, the website is, for example, the website hosting the [Product Platform Instrumentalities](#)).

110. On information and belief, the '836 Accused Instrumentalities provide a method for navigating websites including a plurality of hierarchically organized web pages, including providing a means for navigating the multi-level hierarchical website (e.g., the '836 Accused Instrumentalities provide a graphical user menu system for navigating a multi-level hierarchical website); and dynamically constructing an Active Path as a sequence of active links as the user navigates the multi-level hierarchical website (e.g., the Product Platform Instrumentalities

dynamically construct an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as a sequence of active links as the user navigates the multi-level hierarchical website; as another example, the Web Instrumentalities dynamically construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as a sequence of active links as the user navigates the multi-level hierarchical website), wherein each said active link corresponds to a level in the hierarchical structure (e.g., in the Product Platform Instrumentalities, each active link in “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponds to a level in the hierarchical structure, including “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”; as another example, in the Web Instrumentalities, each active link in “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” corresponds to a level in the hierarchical structure, including “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems”), wherein a user may directly access any given level of the hierarchical structure by selecting a given said active link as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see also <https://new.siemens.com/global/en/products/automation/systems/industrial.html> (last visited Feb. 10, 2020) and

<https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020):



Made-to-measure distributed automation systems

111. Also, each active link provides the user the ability to directly browse items on any given level of the hierarchical menu structure and hierarchically subordinate items without affecting the Active Path (e.g., the Product Platform Instrumentalities enable the user the ability to directly browse items under “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities enable the user the ability to directly browse items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”)) as shown below:

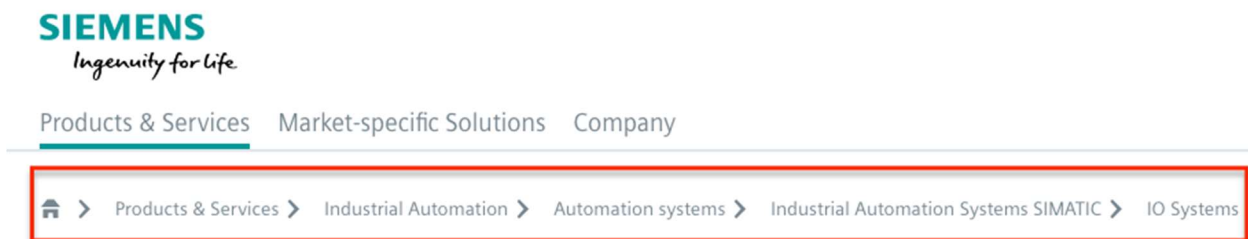


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



112. Discovery is expected to uncover the full extent of Defendants' infringement of the '836 Patent beyond the '836 Accused Instrumentalities already identified through public information.

113. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1-5 and 7-8 of the '836 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '836 Accused Instrumentalities constitutes direct infringement of at least Claims 1-5 and 7-8 of the '836 Patent.

114. In particular, Defendants' actions aid and abet others such as its new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising, promoting, and providing instructions on using '836 Accused Instrumentalities. On

information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '836 Patent and knowledge that their acts were inducing infringement of the '836 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '836 Patent.

115. Defendants' acts of inducement include, without limitation: providing the '836 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '836 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '836 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://new.siemens.com/global/en/general/contact.html> (providing contact information to address sales regarding the '836 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* <https://new.siemens.com/global/en/company/jobs.html> (providing employment information that can be accessed using the '836 Accused Instrumentalities); *see also* <https://new.siemens.com/global/en/products/buildings/partners/desigocc-ecosystem.html> (providing information on contacting a Desigo CC Ecosystem developer to create applications); providing information, advertising, and instructions for the Product Platform Instrumentalities through Defendants' own and third-party websites (*e.g.*, <https://www.downloads.siemens.com/download-center/Download.aspx?pos=download&fct=getasset&id1=A6V10444816> and <https://www.integratedcontrols.co.za/wp/siemens-sites/> (providing promotional materials on

functions and features of the Product Platform Instrumentalities)); encouraging customers and other third parties to use the '836 Accused Instrumentalities (e.g., <http://knxtoday.com/2020/01/15030/siemens-introduces-updated-desigo-cc-building-management-platform-with-improved-knx-support.html> (encouraging third parties to use the Product Platform Instrumentalities); *see also* <https://www.youtube.com/watch?v=6ehhde6SRTU> and <https://www.youtube.com/watch?v=6ehhde6SRTU> (encouraging new and prospective customers and other third parties to use the Product Platform Instrumentalities); *see also* https://www.facebook.com/Siemens/?ref=br_rs (providing an URL (https://new.siemens.com/global/en/company/about/businesses.html?fbclid=IwAR2Rlvms5EimVTAQW0Xg2Bpoe-tGFjCs33izANKLan_pO-IIio87IS2y1nY) to a “Our Businesses” webpage that can be accessed using the Web Instrumentalities); *see also* https://www.downloads.siemens.com/download-center/download?DLA07_2535 (providing an URL (<https://new.siemens.com/global/en/products/energy/energy-automation-and-smart-grid/energy-is-going-digital.html>) to content through the Web Instrumentalities); *see also* <https://new.siemens.com/global/en/company/investor-relations/share-bonds-rating.html> (recommending investors and other third parties to use the Web Instrumentalities to access financial results relating to Defendants’ financial information); *see also* <https://www.facebook.com/Siemens/>, <https://twitter.com/Siemens/status/1232923300126502914?s=20>, <https://www.instagram.com/siemens/>, and <https://www.linkedin.com/company/siemens/about/> (Defendants’ social media accounts promoting the use of the Web Instrumentalities through which various media content can be accessed); *see also* <https://press.siemens.com/global/en> (providing press releases and news encouraging customers and other third parties to use the Web

Instrumentalities to access content (for example, providing an URL (<https://press.siemens.com/global/en/pressrelease/siemens-supports-volkswagen-develop-digitized-electric-car-production>) to an “Automotive Manufacturing” webpage that can be accessed using the Web Instrumentalities)); *see also* <https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html> (encouraging third parties to use the Web Instrumentalities to access content and information regarding Defendants’ international fairs and events (for example, providing an URL (<https://siemens.mindsphere.io/en/openspace>) to an “Mindsphere Open Space” webpage that can be accessed using the Web Instrumentalities”)); and <https://new.siemens.com/global/en/company/stories/industry/3ddruck-ki.html> (providing stories encouraging customers and other third parties to use the Web Instrumentalities to access content (providing an URL (<https://new.siemens.com/global/en/products/automation/pc-based/iot-gateways/iot2000.html>) to a “SIMATIC IOT2000” webpage that can be accessed using the Web Instrumentalities)); and providing support and training to enable the use of the ’836 Accused Instrumentalities (e.g., <https://desigoccecosystem.com/WebClientApplication/en-US/index.html> and <https://desigoccecosystem.com/WebClientApplication/Help/EngineeringHelp/en-US/index.html> (providing an online support and remote client platform for supporting and training customers, including those in the U.S., on the use of the Product Platform Instrumentalities)).

116. Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the ’836 Patent. At the very least, because

Defendants have been, and remain, on notice of the '836 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

117. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1-5 and 7-8 of the '836 Patent pursuant to 35 U.S.C. § 271(c) by providing the '836 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '836 Accused Instrumentalities are especially made or adapted for use in an infringement of the '836 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '836 Accused Instrumentalities are material components or apparatuses for use in practicing the '836 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

118. For example, the '836 Accused Instrumentalities provide a graphical user menu system through which a user can navigate within a multi-level hierarchical information structure according to the claimed invention(s). Defendants supplied, and continue to supply, the '836 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '836 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '836 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products and services and the '836 Patent that the '836 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the

'836 Patent and there is no substantial non-infringing use of the '836 Accused Instrumentalities, or components or apparatuses thereof.

119. Defendants have directly and indirectly infringed the '836 Patent and are thus liable for infringement of the '836 Patent pursuant to 35 U.S.C. § 271.

120. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '836 Patent.

121. Defendants have continued to infringe the '836 Patent since at least as of the filing date of this Complaint, despite being on notice of the '836 Patent and their infringement. Defendants have therefore infringed the '836 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least as of the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

122. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '836 Accused Instrumentalities infringe the '836 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

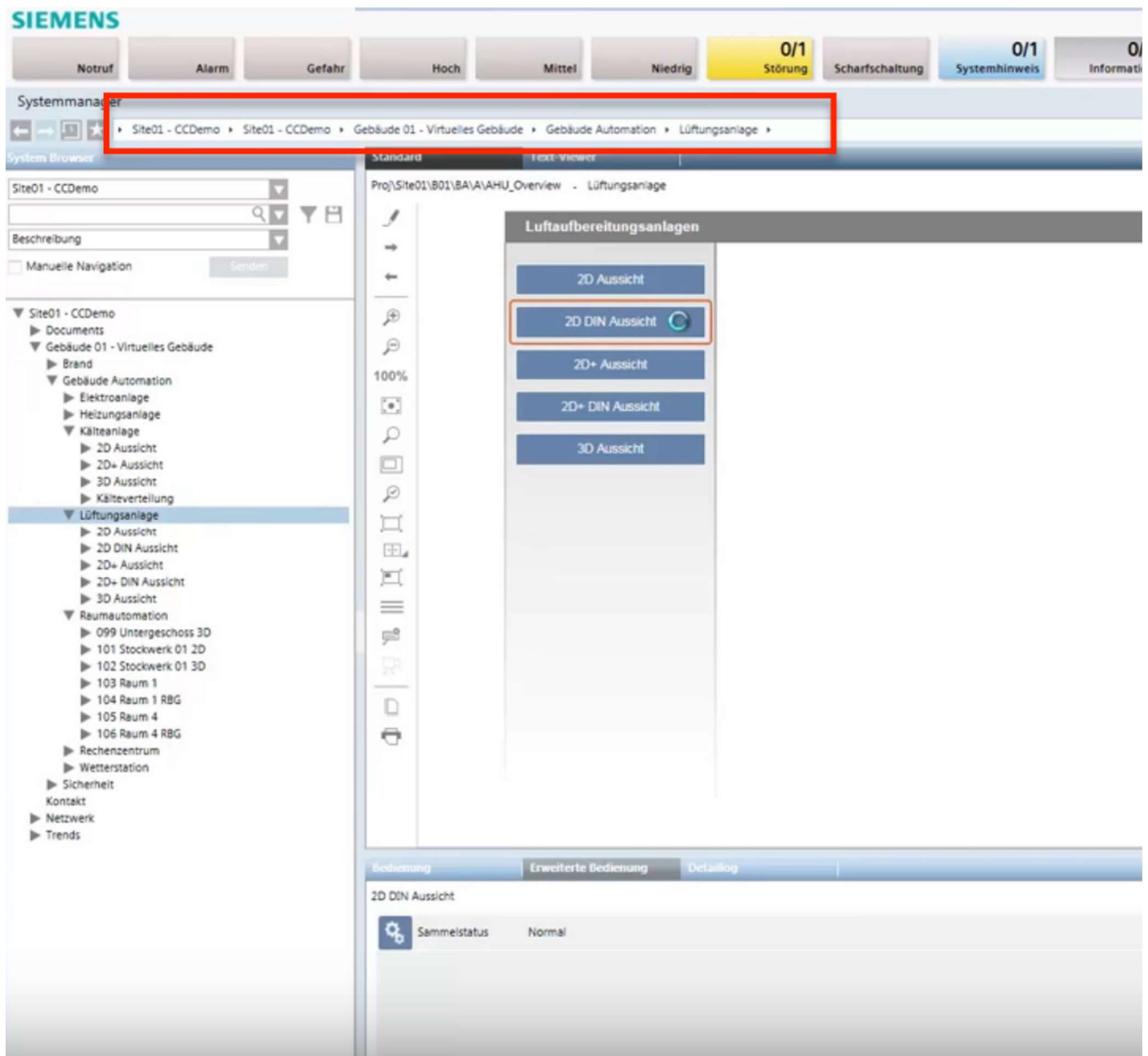
COUNT V - INFRINGEMENT OF U.S. PATENT NO. 8,352,880

123. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

124. The '880 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '880 Patent.

125. The '880 Patent is directed to systems and methods for navigating within a hierarchical menu structure where each level in the menu contains plural items, as described and claimed in the '880 Patent.

126. Defendants have and continue to directly infringe at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) Desigo CC Integrated Facilities Management Platform or similar product platforms or tools ("Platforms"), including hardware and software in support thereof ("Product Platform Instrumentalities"); (ii) web pages, menus, and menu structures to be interactively presented and navigated via browsers, including, without limitation, web pages, menus, and menu structures accessible via <https://new.siemens.com/global/en.html> and maintained on servers located in and/or accessible from the United States under the control of Defendants ("Web Instrumentalities"); (iii) software, including, without limitation, software that allows web pages, menus, and menu structures to be interactively presented and navigated in and/or served to such Platforms or browsers; (iv) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating an information structure (collectively, the "'880 Accused Instrumentalities") as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

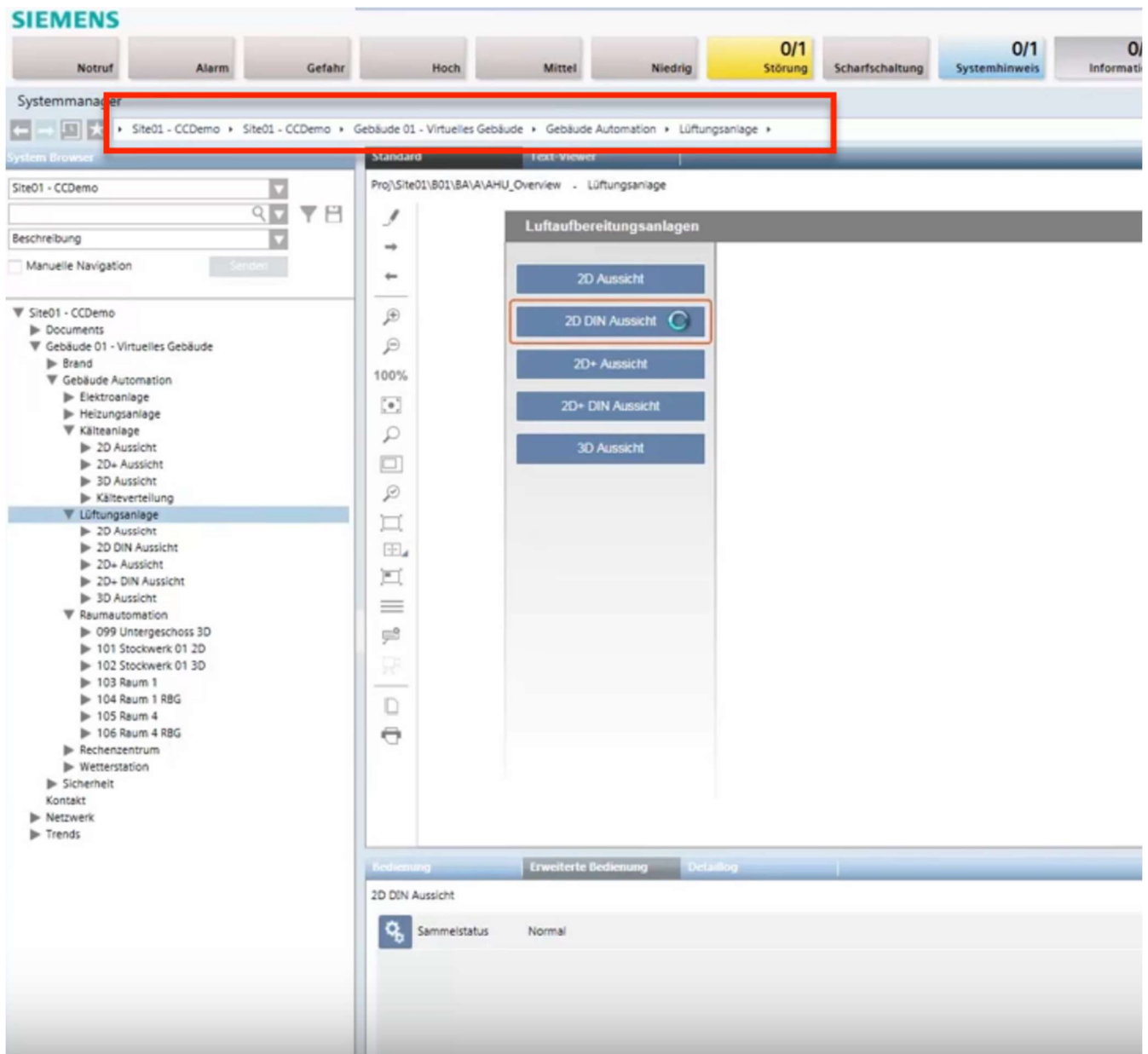
(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

Home > Products & Services > Industrial Automation > Automation systems > Industrial Automation Systems SIMATIC > IO Systems

127. By way of example, the '880 Accused Instrumentalities provide a method for navigating an information structure as shown below:

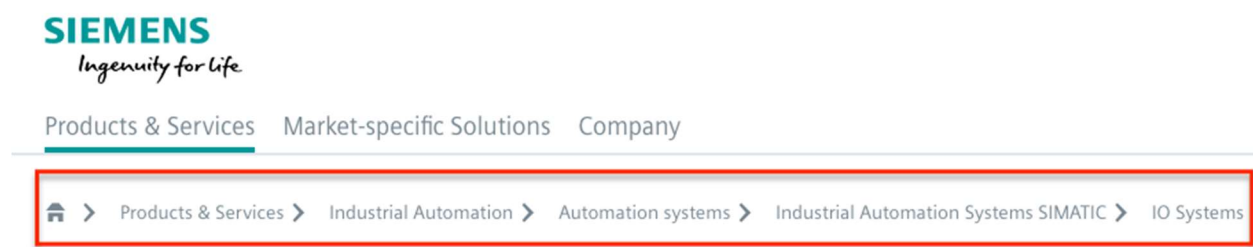


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



128. More specifically, the '880 Accused Instrumentalities provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., in the Product Platform Instrumentalities, “Site01—CCDemo” displays and enables the selection of “Gebäude 01—Virtuellies Gebäude,” which displays and enables the section of “Gebäude Automation,” which displays and enables the section of “Lüftungsanlage”; as another example, in the Web Instrumentalities, “Products & Services” displays and enables the selection of items of a given level, such as “Industrial Automation,” which displays and enables the selection of “Automation systems,” which displays and enables the selection of “Industrial Automation Systems SIMATIC,” which displays and enables the selection of “IO Systems” and “PLCs”); and dynamically constructing an active path as a sequence of active links after an item of the information structure has been selected (e.g., the Product Platform Instrumentalities dynamically construct an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as a sequence of active links after an item of the information structure has been selected; as another example, the Web Instrumentalities dynamically construct an active path “Products & Services—Industrial Automation—

Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as a sequence of active links after an item of the information structure has been selected); upon provisional selection of any said active link, displaying one or more items on a given level of the information structure without affecting the active path (e.g., the Product Platform Instrumentalities display items under “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities display items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

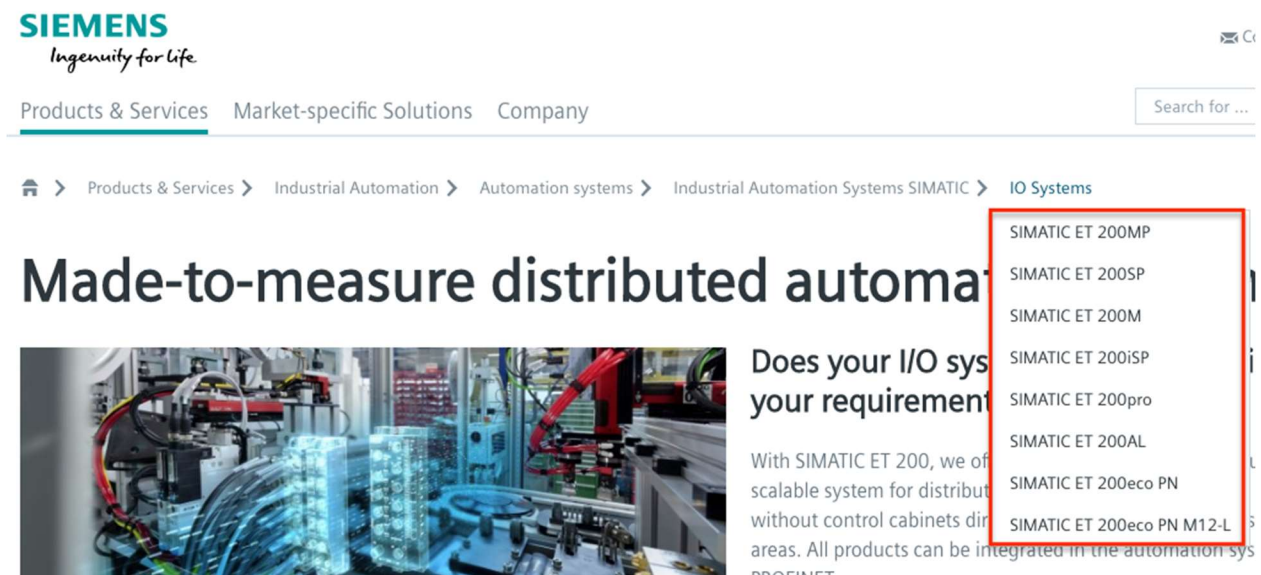


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



129. Also, the active links allow a user to access an item in the information structure by selecting from the one or more items displayed by one of the active links on the active path (e.g., in the Product Platform Instrumentalities, each link in the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” allows allows a user to access an item in the information structure by selecting from the one or more items displayed by “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”; as another example, in the Web Instrumentalities, each link in the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” allows a user to access an item in the information structure by selecting from the one or more items displayed by “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems”) as shown below:

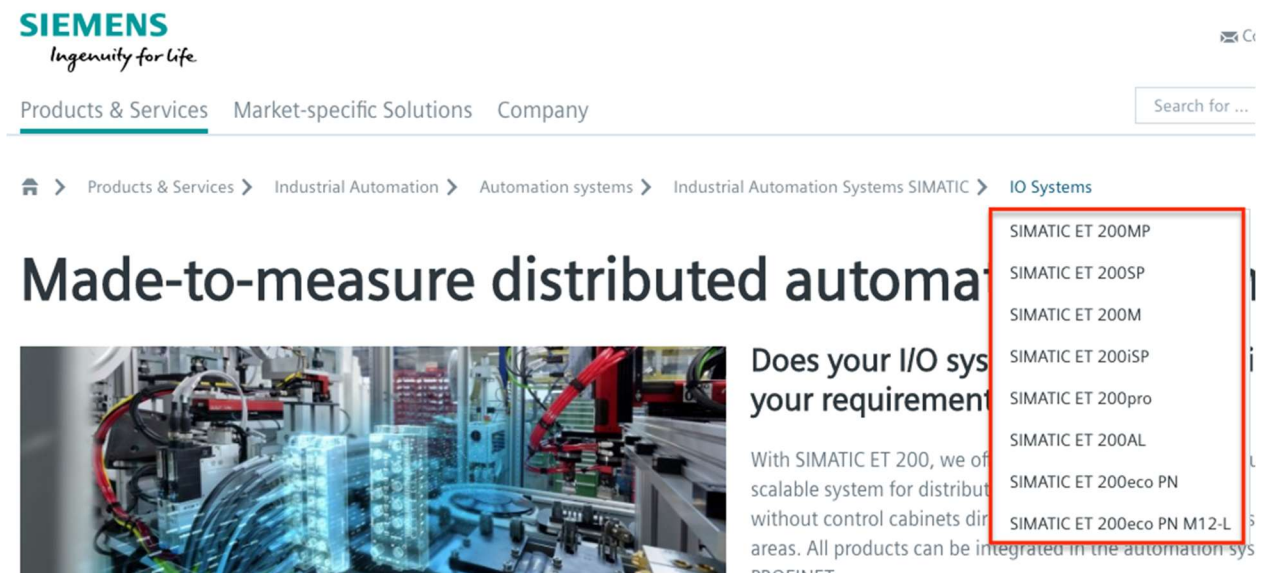


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



130. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of one or more items on a given level of the information structure when a pointer is rolled over it; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of one or more items on a given level of the information structure such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET

200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when a mouse is rolled over the “IO Systems” when a pointer is rolled over it) as shown below:

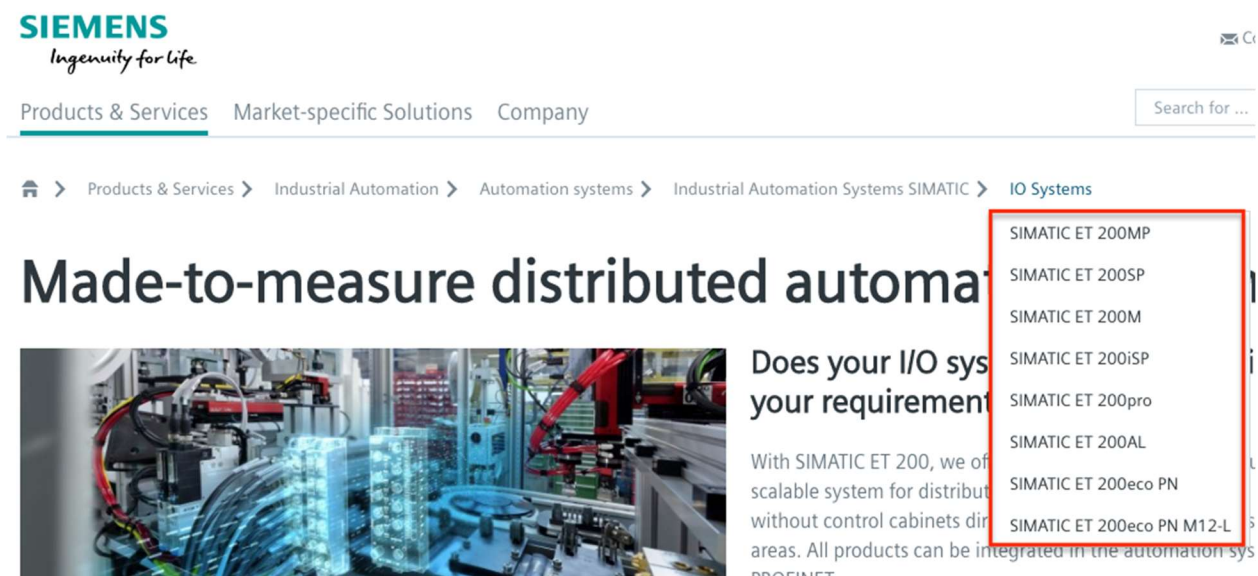


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



131. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when it is selected; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of items

such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when it is selected) as shown below:

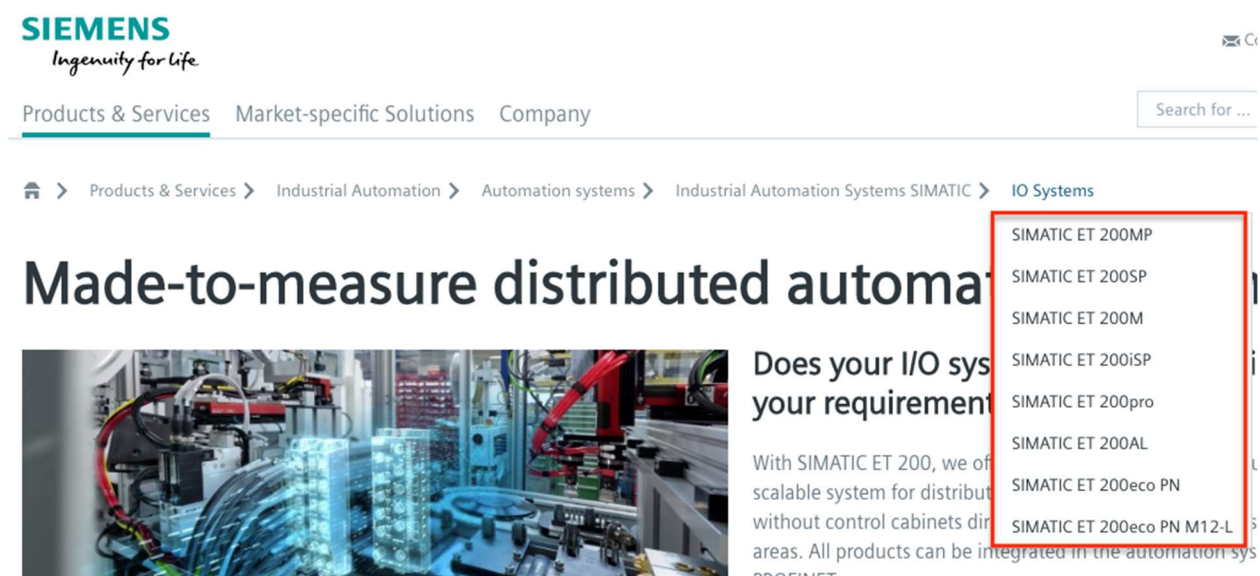


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



132. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht”

when a visual icon (e.g., a down arrow button) associated with the active link “Lüftungsanlage” is selected; as another example, in the Web Instrumentalities, the active link “Industrial Automation Systems SIMATIC” allows the display of items such as “IO Systems” when the “side arrow” icon is selected) as shown below:

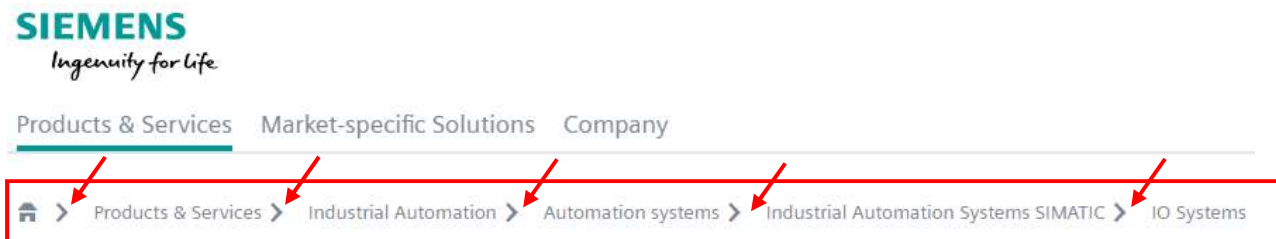


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



133. On information and belief, in the '880 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., in the Product Platform Instrumentalities, the active links in the active path allow the display of “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the active links in the active path allow the display of “IO Systems” without affecting the active path “Products & Services—

Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

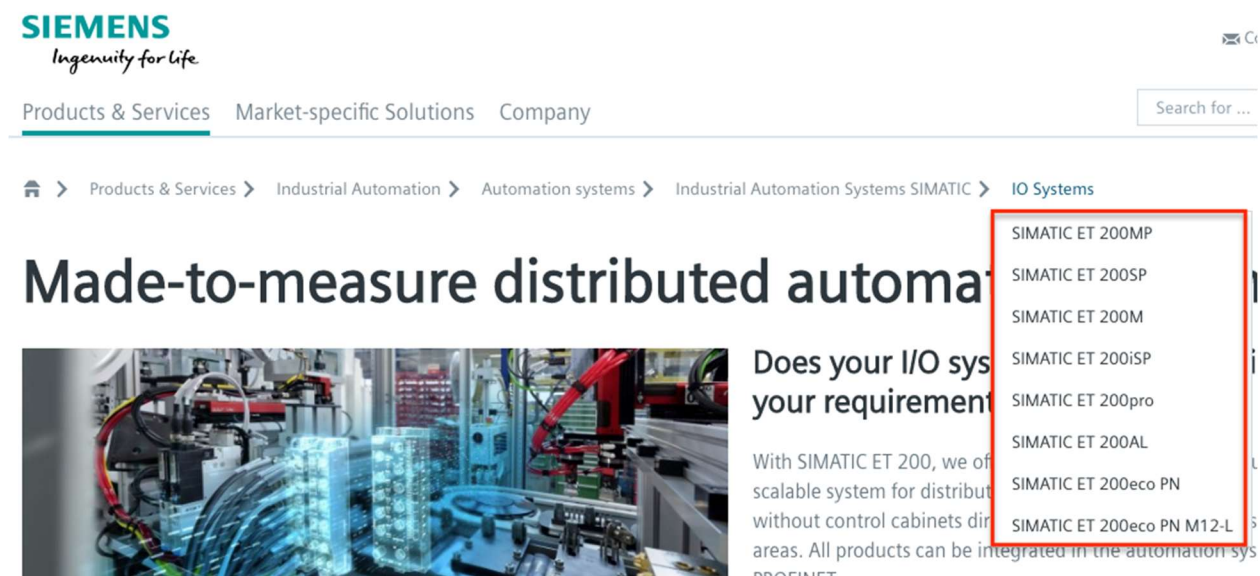


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



134. On information and belief, in the '880 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., in the Product Platform Instrumentalities, a user may directly access the “2D+ DIN Aussicht” in the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” by selecting the “Lüftungsanlage”; as another example, in the Web Instrumentalities, a user may directly access the “IO Systems” in the “Products &

Services—Industrial Automation—Automation systems—Industrial Automation Systems
SIMATIC—IO Systems” active path by selecting the “Industrial Automation Systems
SIMATIC”).

135. On information and belief, in the '880 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., in the Product Platform Instrumentalities, upon information and belief, the selection of an active link “Lüftungsanlage” causes the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” to truncate to “Site01 – CCDemo—Gebäude 01 – Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the selection of “Automation systems” causes the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” to truncate to “Products & Services—Industrial Automation—Automation systems”) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020).

136. On information and belief, the '880 Accused Instrumentalities further provide pre-defined shortcuts that enable direct access to a given item in the information structure (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”

in the collapsing menu enabling direct access to a given item in the information structure; as another example, the Web Instrumentalities provide pre-defined shortcuts such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu enabling direct access to a given menu item in the information structure), wherein selection of a predefined shortcut dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., in the Product Platform Instrumentalities, selection of a predefined shortcut such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” dynamically constructs an active path “Site01 – CCDemo—Gebäude 01 – Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” with each link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each item necessary to navigate to a given item in the information structure; as another example, in the Web Instrumentalities, selection of a predefined shortcut such as “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” dynamically constructs an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” with each active link “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each item necessary to navigate to a given item in the information structure).

137. On information and belief, the '880 Accused Instrumentalities include an apparatus for navigating an information structure, the apparatus including a processor configured to: provide a graphical menu interface displaying the items of a given level of the information

structure and enabling selection thereof (e.g., in the Product Platform Instrumentalities, “Site01—CCDemo” displays and enables the selection of “Gebäude 01—Virtuellies Gebäude,” which displays and enables the section of “Gebäude Automation,” which displays and enables the section of “Lüftungsanlage”; as another example, in the Web Instrumentalities, “Products & Services” displays and enables the selection of items of a given level, such as “Industrial Automation,” which displays and enables the selection of “Automation systems,” which displays and enables the selection of “Industrial Automation Systems SIMATIC,” which displays and enables the selection of “IO Systems” and “PLCs”); dynamically construct an active path as a sequence of active links after an item of the information structure has been selected (e.g., the Product Platform Instrumentalities dynamically construct an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as a sequence of active links after an item of the information structure has been selected; as another example, the Web Instrumentalities dynamically construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as a sequence of active links after an item of the information structure has been selected); upon provisional selection of any said active link, displaying one or more items on a given level of the information structure without affecting the active path (e.g., the Product Platform Instrumentalities display items under “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities display items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

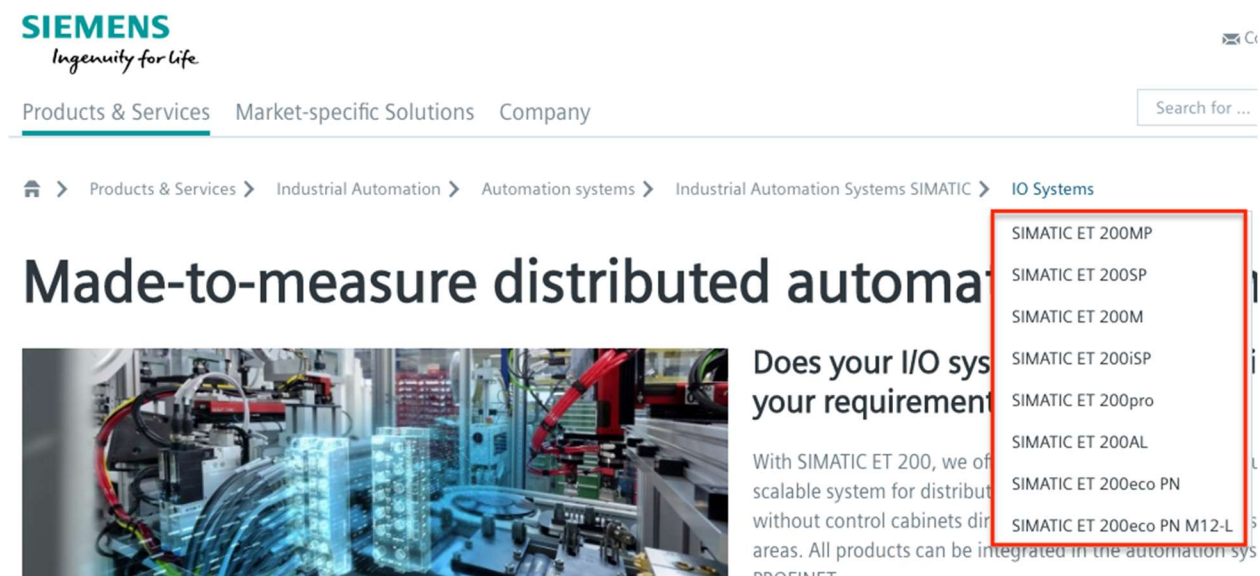


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

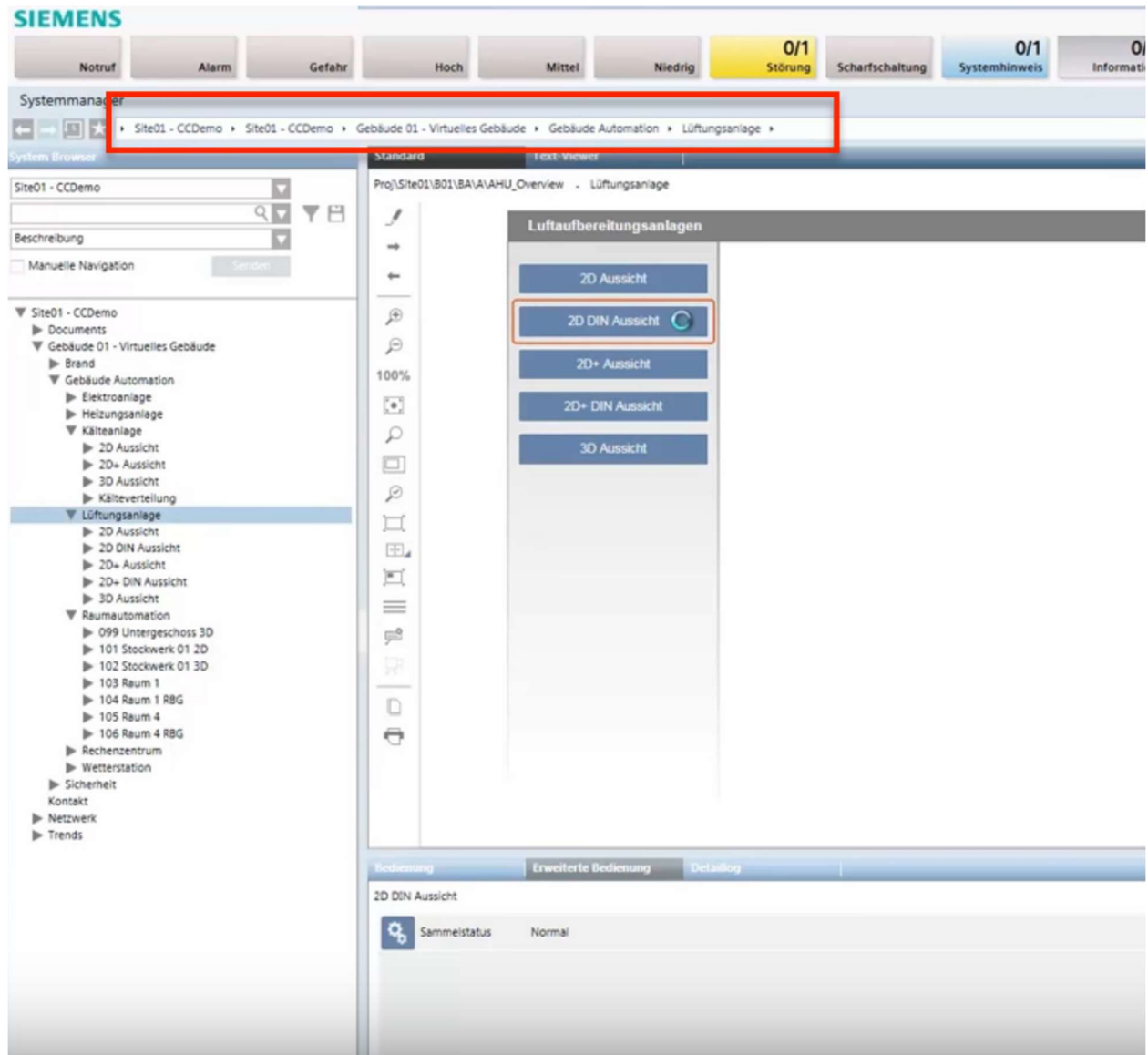
also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



138. On information and belief, in the '880 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path (e.g., in the Product Platform Instrumentalities, each link in the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” allows a user to access an item in the information structure by selecting from the one or more items displayed by “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”; as another

example, in the Web Instrumentalities, each link in the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” allows a user to access an item in the information structure by selecting from the one or more items displayed by “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems”) as shown below:

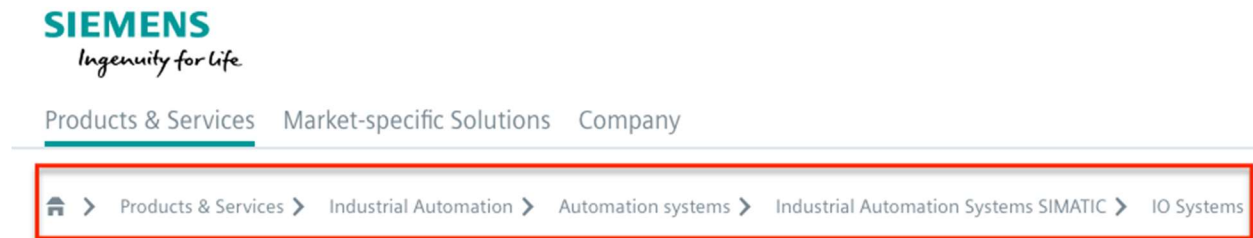


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



139. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of one or more items on a given level of the information structure when a pointer is rolled over it; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of one or more items on a given level of the information structure such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when a mouse is rolled over the “IO Systems” when a pointer is rolled over it) as shown below:

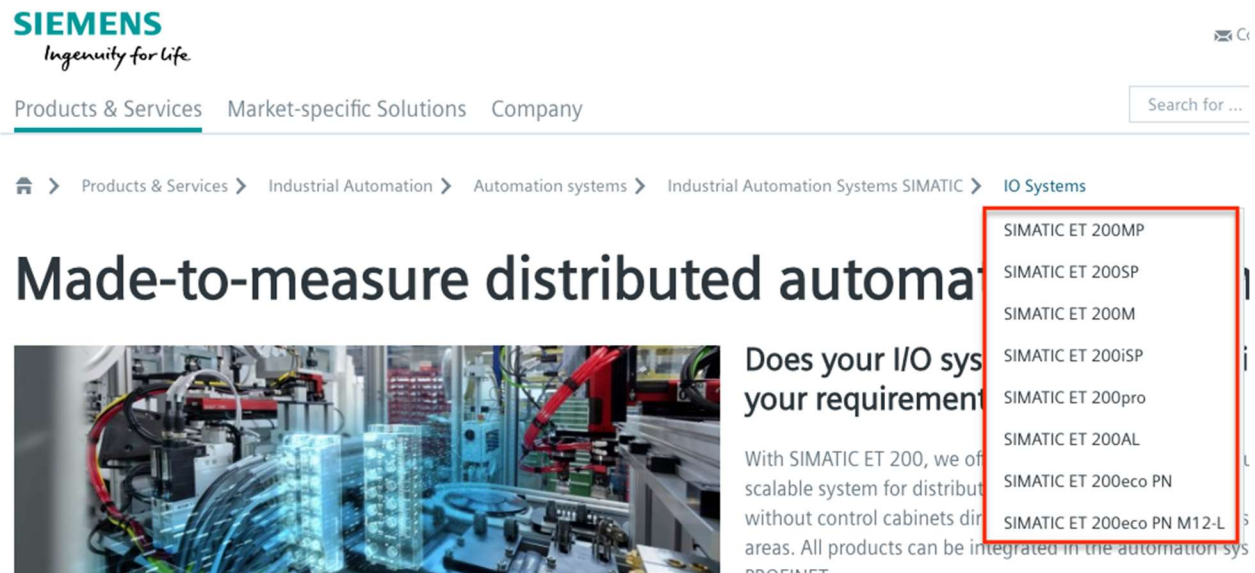


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



140. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when it is selected; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of items such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when it is selected) as shown below:

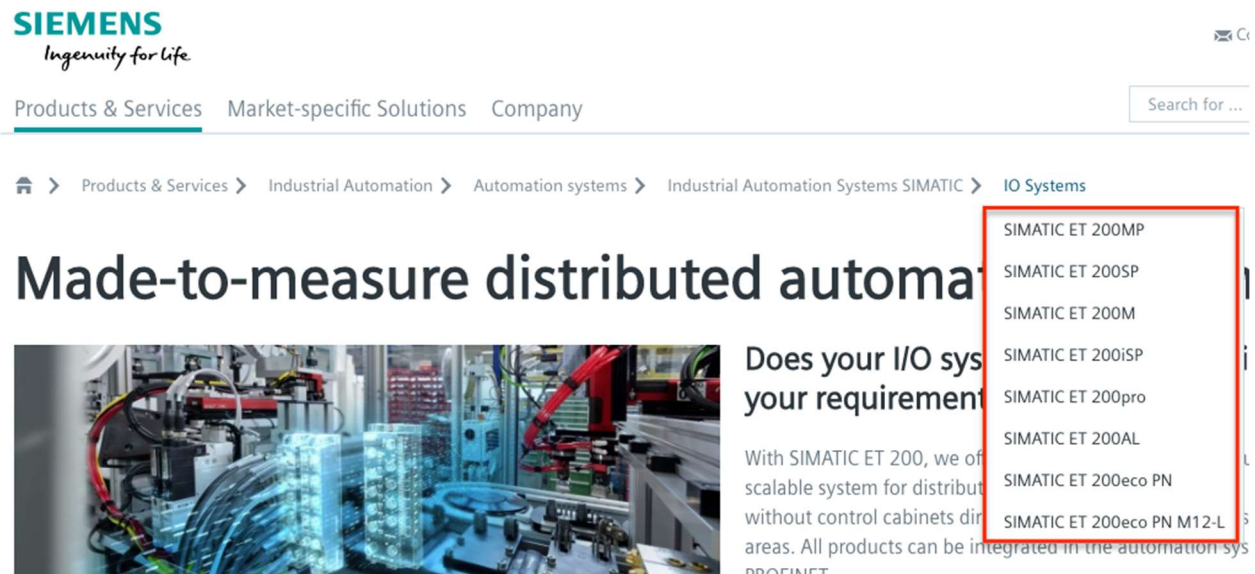


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



141. On information and belief, in the '880 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when a visual icon (e.g., a down arrow button) associated with the active link “Lüftungsanlage” is selected; as another example, in the Web Instrumentalities, the active link “Industrial Automation Systems SIMATIC” allows the display of items such as “IO Systems” when the “side arrow” icon is selected) as shown below:

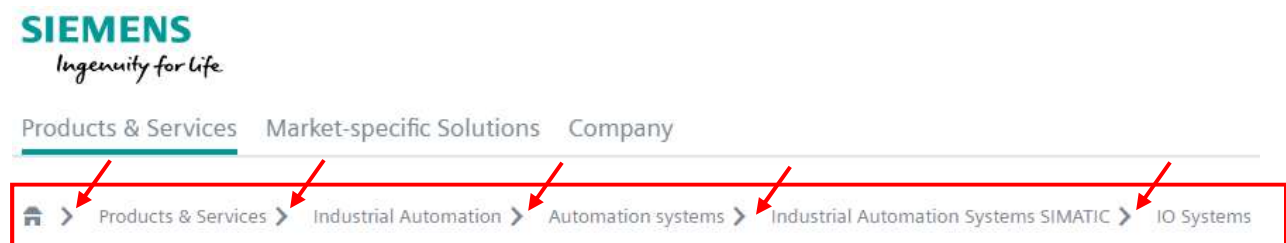


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



142. On information and belief, in the '880 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., in the Product Platform Instrumentalities, the active links in the active path allow the display of “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the active links in the active path allow the display of “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

:

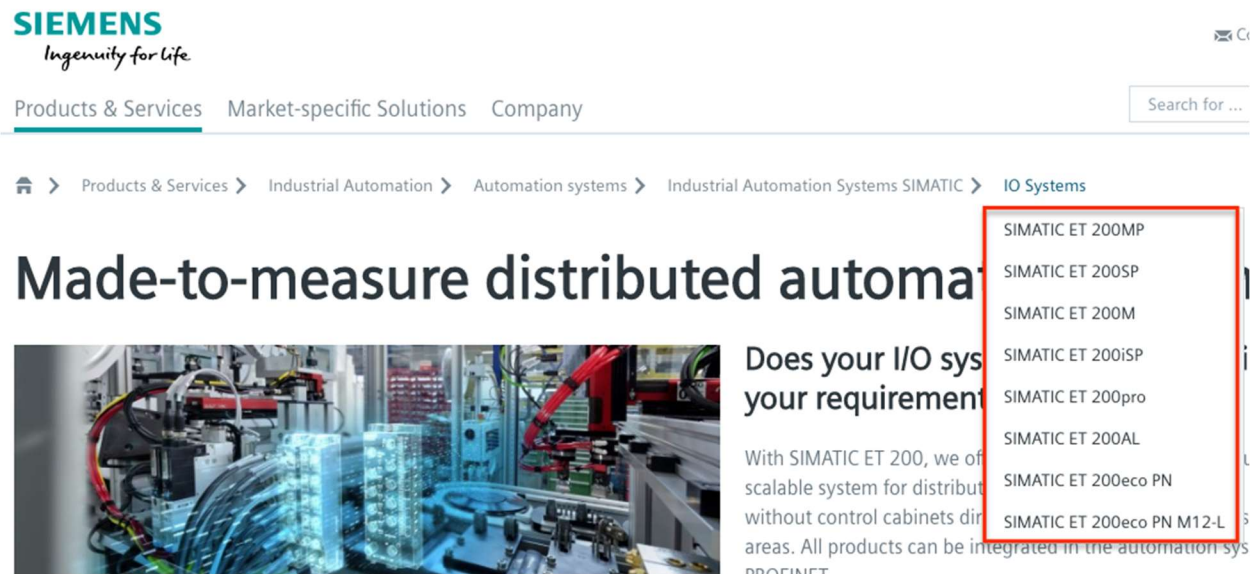


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



143. On information and belief, in the '880 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., in the Product Platform Instrumentalities, a user may directly access the “2D+ DIN Aussicht” in the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” by selecting the “Lüftungsanlage”; as another example, in the Web Instrumentalities, a user may directly access the “IO Systems” in the “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” active path by selecting the “Industrial Automation Systems SIMATIC”).

144. On information and belief, in the '880 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., in the Product Platform Instrumentalities, upon information and belief, the selection of an active link “Lüftungsanlage” causes the active path “Site01—CCDemo—Gebäude 01—Virtuellies

Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” to truncate to “Site01 – CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the selection of “Automation systems” causes the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” to truncate to “Products & Services—Industrial Automation—Automation systems”) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020).

145. On information and belief, the '880 Accused Instrumentalities are further configured to provide pre-defined shortcuts to enable access to a given item in the information structure (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu enabling direct access to a given item in the information structure; as another example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu) enabling direct access to a given item in the information structure), wherein selection of a pre-defined shortcut dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., in the Product

Platform Instrumentalities, selection of a predefined shortcut such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” dynamically constructs an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” with each link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each item necessary to navigate to a given item in the information structure; as another example, in the Web Instrumentalities, selection of a predefined shortcut such as “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” dynamically constructs an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” with each active link “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each item necessary to navigate to a given item in the information structure).

146. On information and belief, in the '880 Accused Instrumentalities, two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

147. On information and belief, in the '880 Accused Instrumentalities, execution of said functions is initiated by selecting different portions of said at least one of active link (e.g., in the Product Platform Instrumentalities, by selecting “Lüftungsanlage” of the active link “Gebäude Automation” to display sibling menus or direct user to certain content; as another example, in the Web Instrumentalities, by selecting “IO Systems” of the active link “Industrial Automation Systems SIMATIC” to display sibling menus or direct user to certain content).

148. On information and belief, in the '880 Accused Instrumentalities, at least two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

149. Discovery is expected to uncover the full extent of Defendants' infringement of the '880 Patent beyond the '880 Accused Instrumentalities already identified through public information.

150. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '880 Accused Instrumentalities constitutes direct infringement of at least Claims 1, 3-10, 12-20 and 22 of the '880 Patent.

151. In particular, Defendants' actions aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising and providing instructions on using the '880 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '880 Patent and knowledge that their acts were inducing infringement of the '880 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '880 Patent.

152. Defendants' acts of inducement include, without limitation: providing the '880 Accused Instrumentalities to their new, current, and prospective users, partners, and customers,

and other third parties and intending them to use the '880 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '880 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (see, e.g., <https://new.siemens.com/global/en/general/contact.html> (providing contact information to address sales regarding the '880 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* <https://new.siemens.com/global/en/company/jobs.html> (providing employment information that can be accessed using the '880 Accused Instrumentalities); *see also* <https://new.siemens.com/global/en/products/buildings/partners/desigocc-ecosystem.html> (providing information on contacting a Desigo CC Ecosystem developer to create applications); providing information, advertising, and instructions for the Product Platform Instrumentalities through Defendants' own and third-party websites (e.g., <https://www.downloads.siemens.com/download-center/Download.aspx?pos=download&fct=getasset&id1=A6V10444816> and <https://www.integratedcontrols.co.za/wp/siemens-sites/> (providing promotional materials on functions and features of the Product Platform Instrumentalities)); encouraging customers and other third parties to use the '880 Accused Instrumentalities (e.g., <http://knxtoday.com/2020/01/15030/siemens-introduces-updated-desigo-cc-building-management-platform-with-improved-knx-support.html> (encouraging third parties to use the Product Platform Instrumentalities); *see also* <https://www.youtube.com/watch?v=6ehhde6SRTU> and <https://www.youtube.com/watch?v=6ehhde6SRTU> (encouraging new and prospective customers and other third parties to use the Product Platform Instrumentalities); *see also*

https://www.facebook.com/Siemens/?ref=br_rs (providing an URL (

https://new.siemens.com/global/en/company/about/businesses.html?fbclid=IwAR2Rlvms5EimVTAQW0Xg2Bpoe-tGFjCs33izANKLan_pO-IIio87IS2y1nY) to a “Our Businesses” webpage that can be accessed using the Web Instrumentalities); *see also*

https://www.downloads.siemens.com/download-center/download?DLA07_2535 (providing an URL (<https://new.siemens.com/global/en/products/energy/energy-automation-and-smart-grid/energy-is-going-digital.html>) to content through the Web Instrumentalities); *see also*

<https://new.siemens.com/global/en/company/investor-relations/share-bonds-rating.html> (recommending investors and other third parties to use the Web Instrumentalities to access financial results relating to Defendants’ financial information); *see also*

<https://www.facebook.com/Siemens/>,

<https://twitter.com/Siemens/status/1232923300126502914?s=20>,

<https://www.instagram.com/siemens/>, and <https://www.linkedin.com/company/siemens/about/> (Defendants’ social media accounts promoting the use of the Web Instrumentalities through which various media content can be accessed); *see also* <https://press.siemens.com/global/en> (providing press releases and news encouraging customers and other third parties to use the Web Instrumentalities to access content (for example, providing an URL (<https://press.siemens.com/global/en/pressrelease/siemens-supports-volkswagen-develop-digitized-electric-car-production>) to an “Automotive Manufacturing” webpage that can be accessed using the Web Instrumentalities)); *see also*

<https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html> (encouraging third parties to use the Web Instrumentalities to access content and information regarding Defendants’ international fairs and events (for

example, providing an URL (<https://siemens.mindsphere.io/en/openspace>) to an “Mindsphere Open Space” webpage that can be accessed using the Web Instrumentalities”)); and <https://new.siemens.com/global/en/company/stories/industry/3ddruck-ki.html> (providing stories encouraging customers and other third parties to use the Web Instrumentalities to access content (providing an URL (<https://new.siemens.com/global/en/products/automation/pc-based/iot-gateways/iot2000.html>) to a “SIMATIC IOT2000” webpage that can be accessed using the Web Instrumentalities)); and providing support and training to enable the use of the ’880 Accused Instrumentalities (e.g., <https://desigoccecosystem.com/WebClientApplication/en-US/index.html> and <https://desigoccecosystem.com/WebClientApplication/Help/EngineeringHelp/en-US/index.html> (providing an online support and remote client platform for supporting and training customers, including those in the U.S., on the use of the Product Platform Instrumentalities)).

153. Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the ’880 Patent. At the very least, because Defendants have been, and remain, on notice of the ’880 Patent and the accused infringement, they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

154. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1, 3-10, 12-20 and 22 of the ’880 Patent pursuant to 35 U.S.C. § 271(c) by providing the ’880 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners,

customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '880 Accused Instrumentalities are especially made or adapted for use in an infringement of the '880 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '880 Accused Instrumentalities are material components or apparatuses for use in practicing the '880 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

155. For example, the '880 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating an information structure and enabling selection according to the claimed invention(s). Defendants supplied, and continue to supply, the '880 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '880 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '880 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products and services and the '880 Patent that the '880 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '880 Patent and there is no substantial non-infringing use of the '880 Accused Instrumentalities, or components or apparatuses thereof.

156. Defendants have directly and indirectly infringed the '880 Patent and are thus liable for infringement of the '880 Patent pursuant to 35 U.S.C. § 271.

157. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '880 Patent.

158. Defendants have continued to infringe the '880 Patent since at least as of the filing date of this Complaint, despite being on notice of the '880 Patent and their infringement.

Defendants have therefore infringed the '880 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least as of the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

159. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '880 Accused Instrumentalities infringe the '880 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

COUNT VI - INFRINGEMENT OF U.S. PATENT NO. 10,037,127

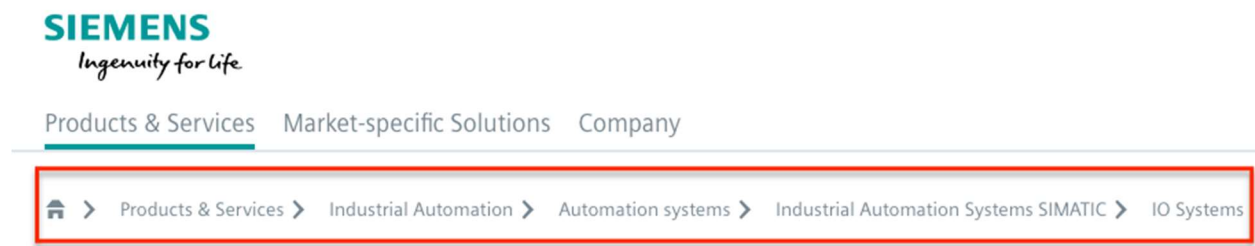
160. Plaintiffs incorporate and reallege the preceding paragraphs as if fully set forth herein.

161. The '127 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '880 Patent.

162. The '127 Patent is directed to systems and methods for navigating an information structure, as described and claimed in the '127 Patent.

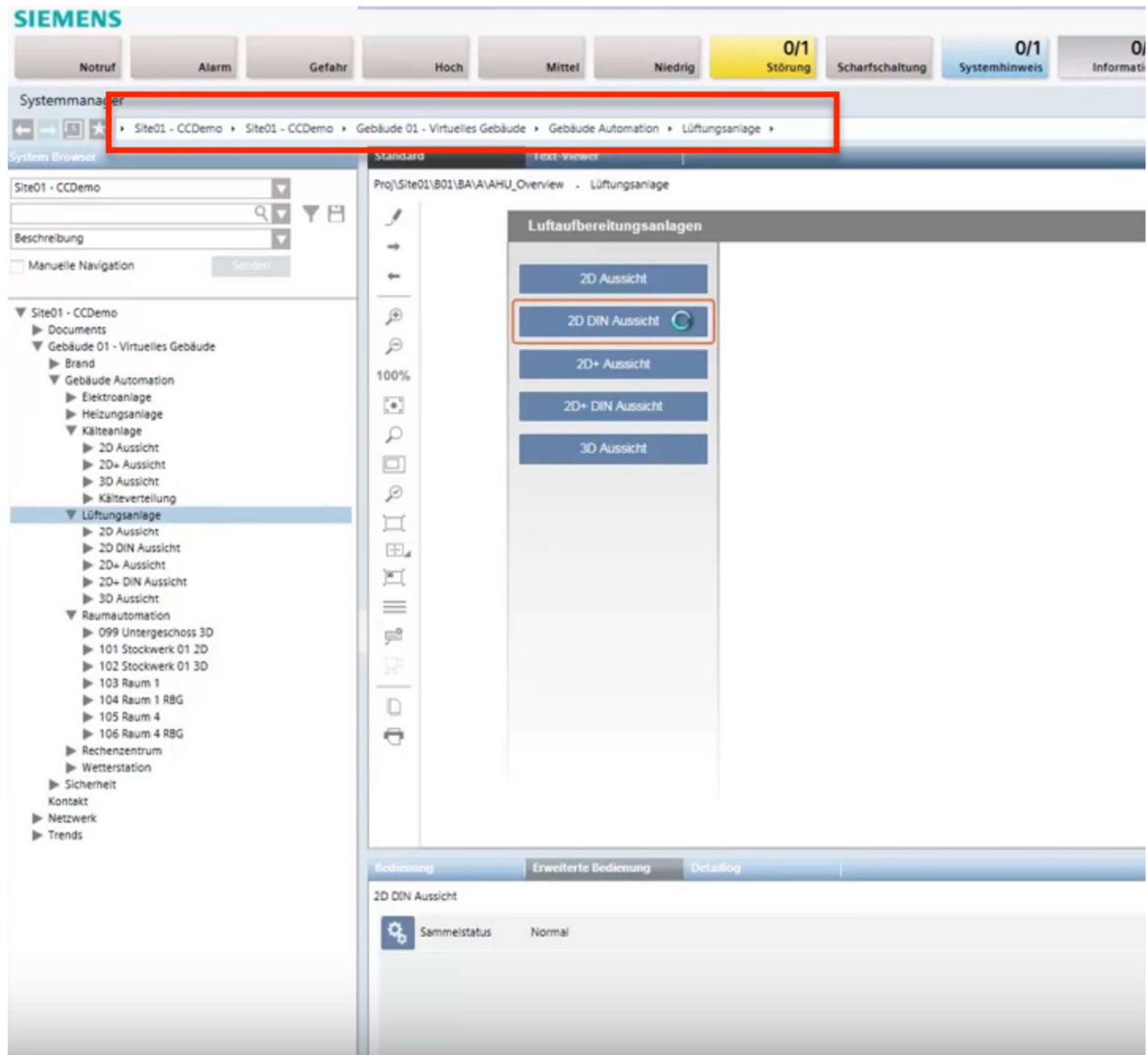
163. Defendants have and continue to directly infringe at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent, in this judicial District and elsewhere in the United States, pursuant to 35 U.S.C. § 271(a), literally or under the doctrine of equivalents, by, among other

things, by making, using, selling, offering to sell, and/or importing in or into the United States, without authority: (i) Desigo CC Integrated Facilities Management Platform or similar product platforms or tools (“Platforms”), including hardware and software in support thereof (“Product Platform Instrumentalities”); (ii) web pages, menus, and menu structures to be interactively presented and navigated via browsers, including, without limitation, web pages, menus, and menu structures accessible via <https://new.siemens.com/global/en.html> and maintained on servers located in and/or accessible from the United States under the control of Defendants (“Web Instrumentalities”); (iii) software, including, without limitation, software that allows web pages, menus, and menu structures to be interactively presented and navigated in and/or served to such Platforms or browsers; (iv) computer equipment including, without limitation, computer equipment that stores, serves, and/or runs any of the foregoing or that allows navigating an information structure (collectively, the “’127 Accused Instrumentalities”) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020) (annotated).

164. By way of example, the ’127 Accused Instrumentalities provide an apparatus for navigating an information structure as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company

 >
 Products & Services >
 Industrial Automation >
 Automation systems >
 Industrial Automation Systems SIMATIC >
 IO Systems

See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020) (annotated).

165. More specifically, the '127 Accused Instrumentalities provide a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., in the Product Platform Instrumentalities, “Site01—CCDemo” displays and enables the selection of “Gebäude 01—Virtuellies Gebäude,” which displays and enables the section of “Gebäude Automation,” which displays and enables the section of “Lüftungsanlage”; as another example, in the Web Instrumentalities, “Products & Services” displays and enables the selection of items of a given level, such as “Industrial Automation,” which displays and enables the selection of “Automation systems,” which displays and enables the selection of “Industrial Automation Systems SIMATIC,” which displays and enables the selection of “IO Systems” and “PLCs”); and dynamically construct an active path as a sequence of active links after an item of the information structure has been selected (e.g., the Product Platform Instrumentalities dynamically construct an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as a sequence of active links after an item of the information structure has been selected; as another example, the Web Instrumentalities dynamically construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as a sequence of active links after an item of the information structure has been selected); upon provisional

selection of a given one of said active links, display one or more items on a given level of the information structure associated with said provisionally selected active link without affecting the active path (e.g., the Product Platform Instrumentalities display items under “Lüftungsanlage” without affecting the active path “Site01 – CCDemo—Gebäude 01 – Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities display items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

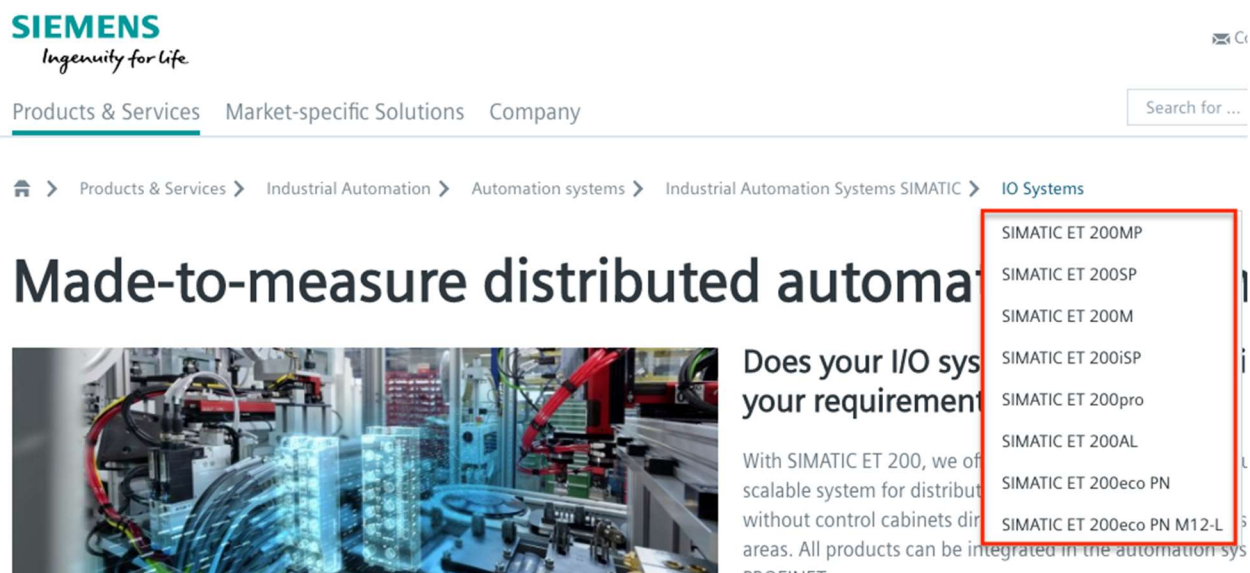


See Siemens, *Desigo CC - Einfache Navigation*, available at

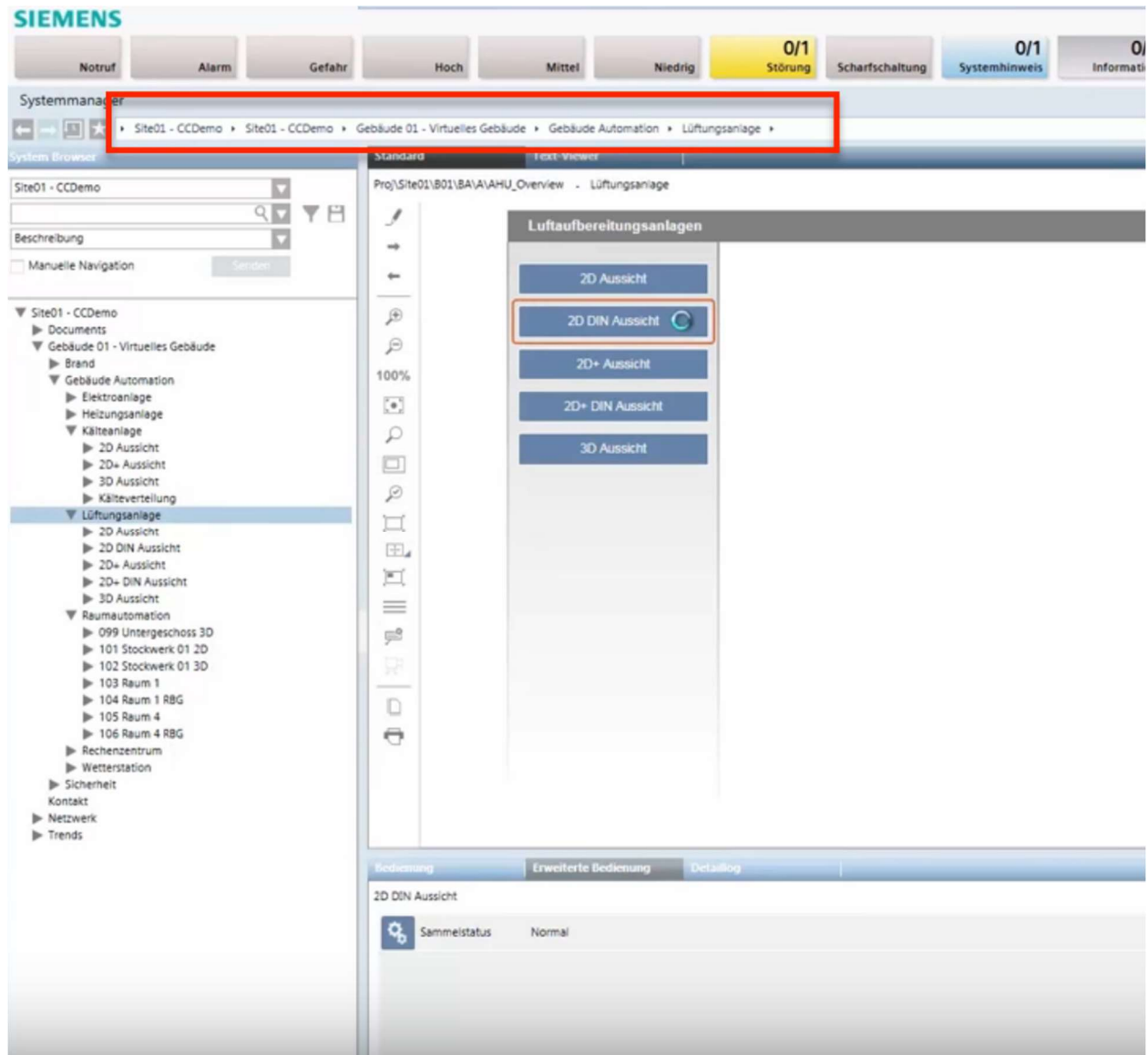
<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



166. Also, the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., in the Product Platform Instrumentalities, each link in the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” allows a user to access an item in the information structure by selecting from the one or more items displayed by “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage”; as another example, in the Web Instrumentalities, each link in the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” allows a user to access an item in the information structure by selecting from the one or more items displayed by “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems”) as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company



167. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of one or more items on a given level of the information structure when a pointer is rolled over it; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of one or more items on a given level of the information structure such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when a mouse is rolled over the “IO Systems” when a pointer is rolled over it) as shown below:

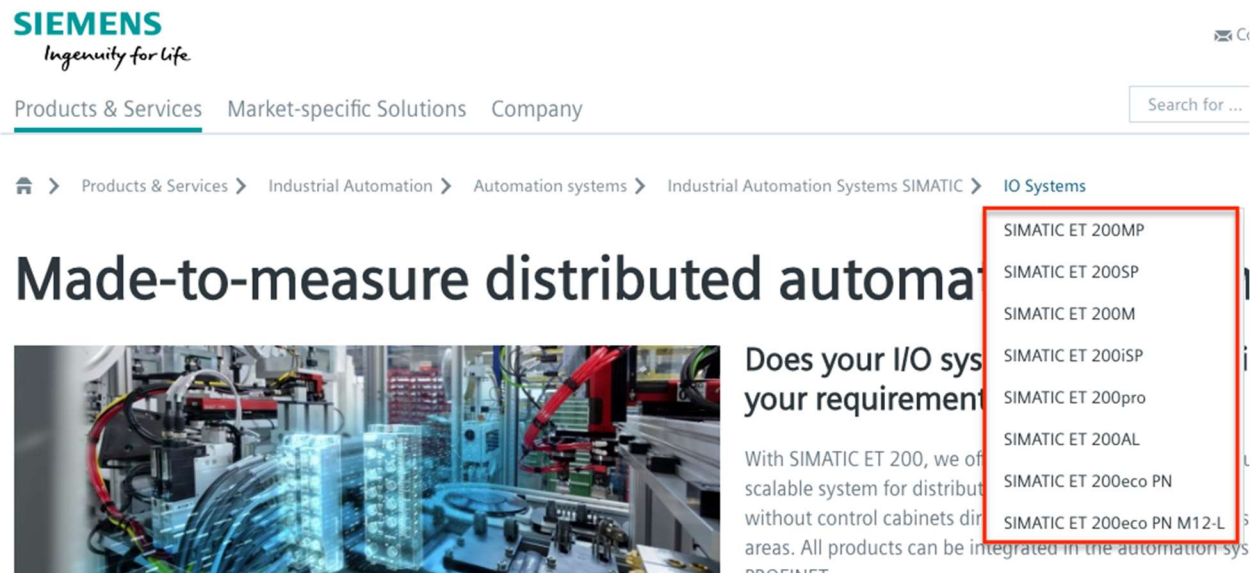


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



168. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when it is selected; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of items such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when it is selected) as shown below:

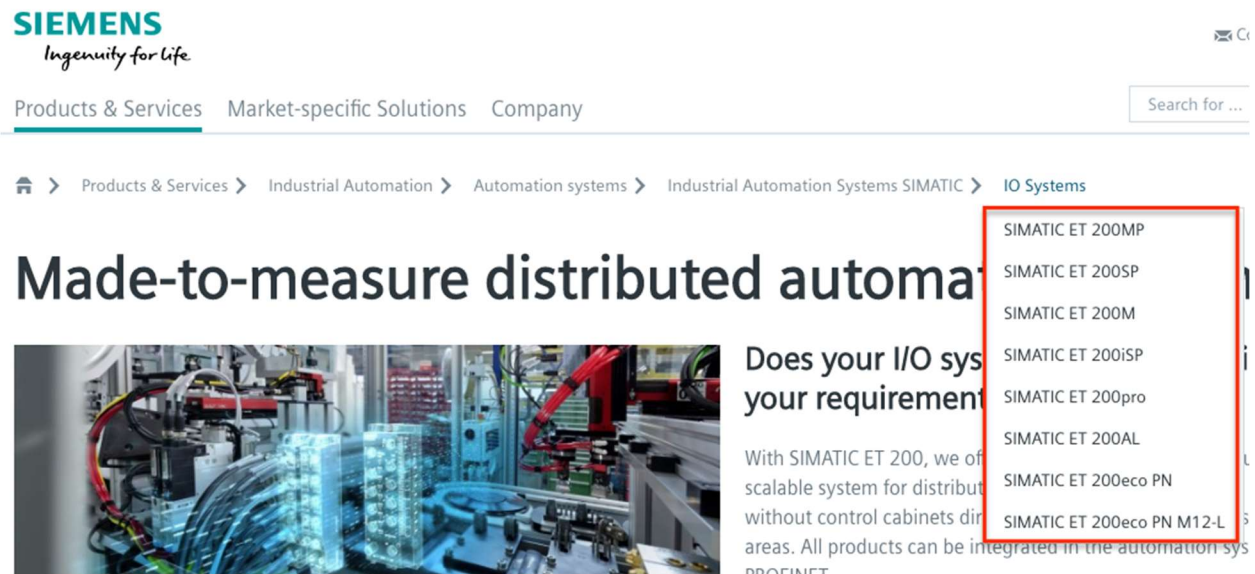


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



169. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when a visual icon (e.g., a down arrow button) associated with the active link “Lüftungsanlage” is selected; as another example, in the Web Instrumentalities, the active link “Industrial Automation Systems SIMATIC” allows the display of items such as “IO Systems” when the “side arrow” icon is selected) as shown below:

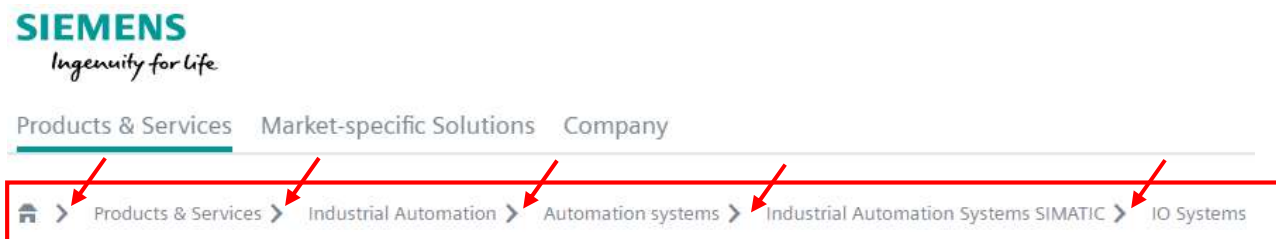


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



170. On information and belief, in the '127 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., in the Product Platform Instrumentalities, the active links in the active path allow the display of “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the active links in the active path allow the display of “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO

Systems”) as shown below:

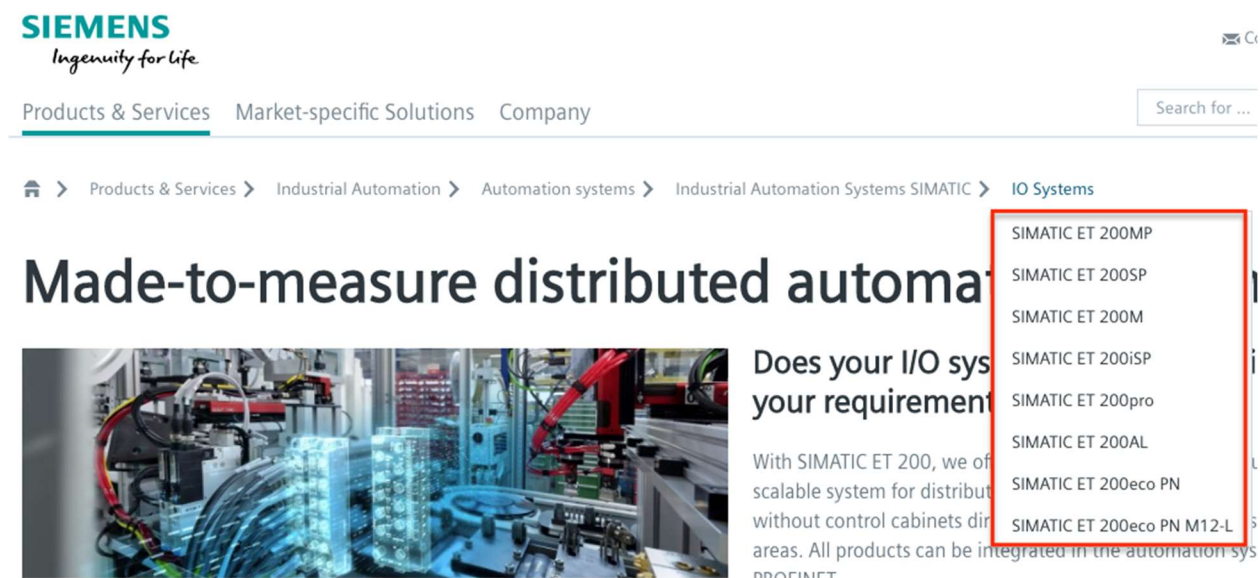


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



171. On information and belief, in the '127 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., in the Product Platform Instrumentalities, a user may directly access the “2D+ DIN Aussicht” in the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” by selecting the “Lüftungsanlage”; as another example, in the Web Instrumentalities, a user may directly access the “IO Systems” in the “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems

SIMATIC—IO Systems” active path by selecting the “Industrial Automation Systems SIMATIC”).

172. On information and belief, in the ’127 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., in the Product Platform Instrumentalities, upon information and belief, the selection of an active link “Lüftungsanlage” causes the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” to truncate to “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the selection of “Automation systems” causes the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” to truncate to “Products & Services—Industrial Automation—Automation systems”) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020).

173. On information and belief, the ’127 Accused Instrumentalities further provide pre-defined shortcuts to enable access to a given item in the information structure (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu enabling direct access to a given item in the information structure; as another

example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu) enabling direct access to a given item in the information structure), wherein selection of a pre-defined shortcut dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., in the Product Platform Instrumentalities, selection of a predefined shortcut such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” dynamically constructs an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” with each link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each item necessary to navigate to a given item in the information structure; as another example, in the Web Instrumentalities, selection of a predefined shortcut such as “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” dynamically constructs an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” with each active link “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each item necessary to navigate to a given item in the information structure).

174. On information and belief, in the '127 Accused Instrumentalities, two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

175. On information and belief, in the '127 Accused Instrumentalities, execution of said functions is initiated by selecting different portions of said at least one of active link (e.g., in the Product Platform Instrumentalities, by selecting “Lüftungsanlage” of the active link “Gebäude Automation” to display sibling menus or direct user to certain content; as another example, in the Web Instrumentalities, by selecting “IO Systems” of the active link “Industrial Automation Systems SIMATIC” to display sibling menus or direct user to certain content).

176. On information and belief, in the '127 Accused Instrumentalities, at least two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

177. On information and belief, the '127 Accused Instrumentalities perform a method for navigating an information structure, comprising providing a graphical menu interface displaying the items of a given level of the information structure and enabling selection thereof (e.g., in the Product Platform Instrumentalities, “Site01—CCDemo” displays and enables the selection of “Gebäude 01—Virtuellies Gebäude,” which displays and enables the section of “Gebäude Automation,” which displays and enables the section of “Lüftungsanlage”; as another example, in the Web Instrumentalities, “Products & Services” displays and enables the selection of items of a given level, such as “Industrial Automation,” which displays and enables the selection of “Automation systems,” which displays and enables the selection of “Industrial Automation Systems SIMATIC,” which displays and enables the selection of “IO Systems” and “PLCs”); dynamically constructing an active path as a sequence of active links after an item of the information structure has been selected (e.g., the Product Platform Instrumentalities dynamically construct an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” as a sequence of active links after an item of the

information structure has been selected; as another example, the Web Instrumentalities dynamically construct an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” as a sequence of active links after an item of the information structure has been selected); upon provisional selection of any said active link, displaying one or more items on a given level of the information structure without affecting the active path (e.g., the Product Platform Instrumentalities display items under “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, the Web Instrumentalities display items under “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

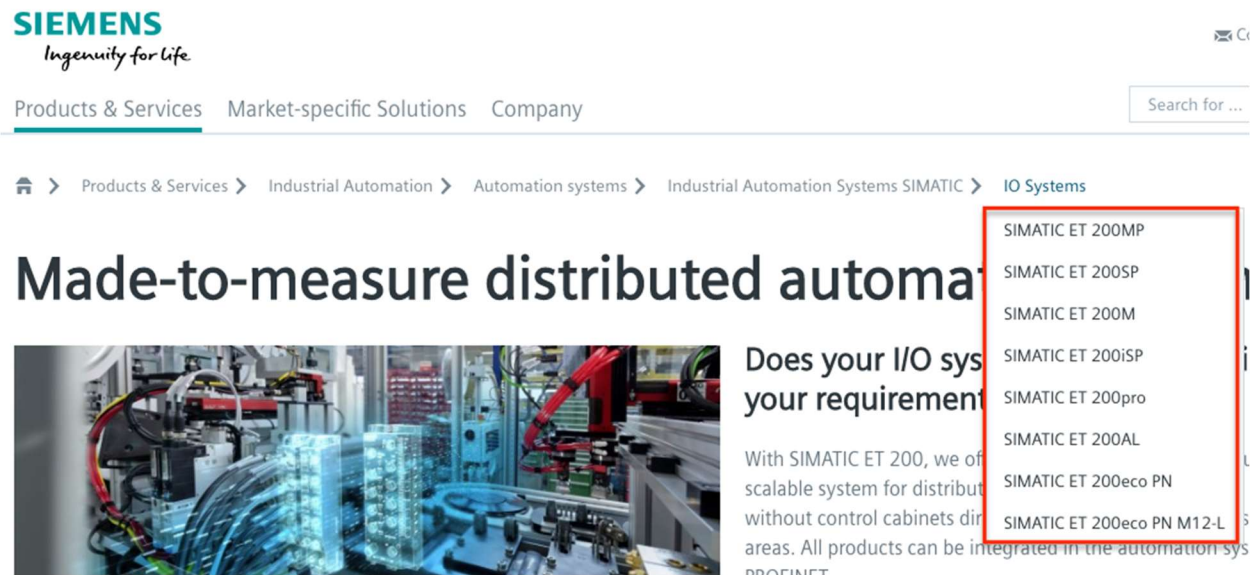


See Siemens, *Desigo CC - Einfache Navigation*, available at

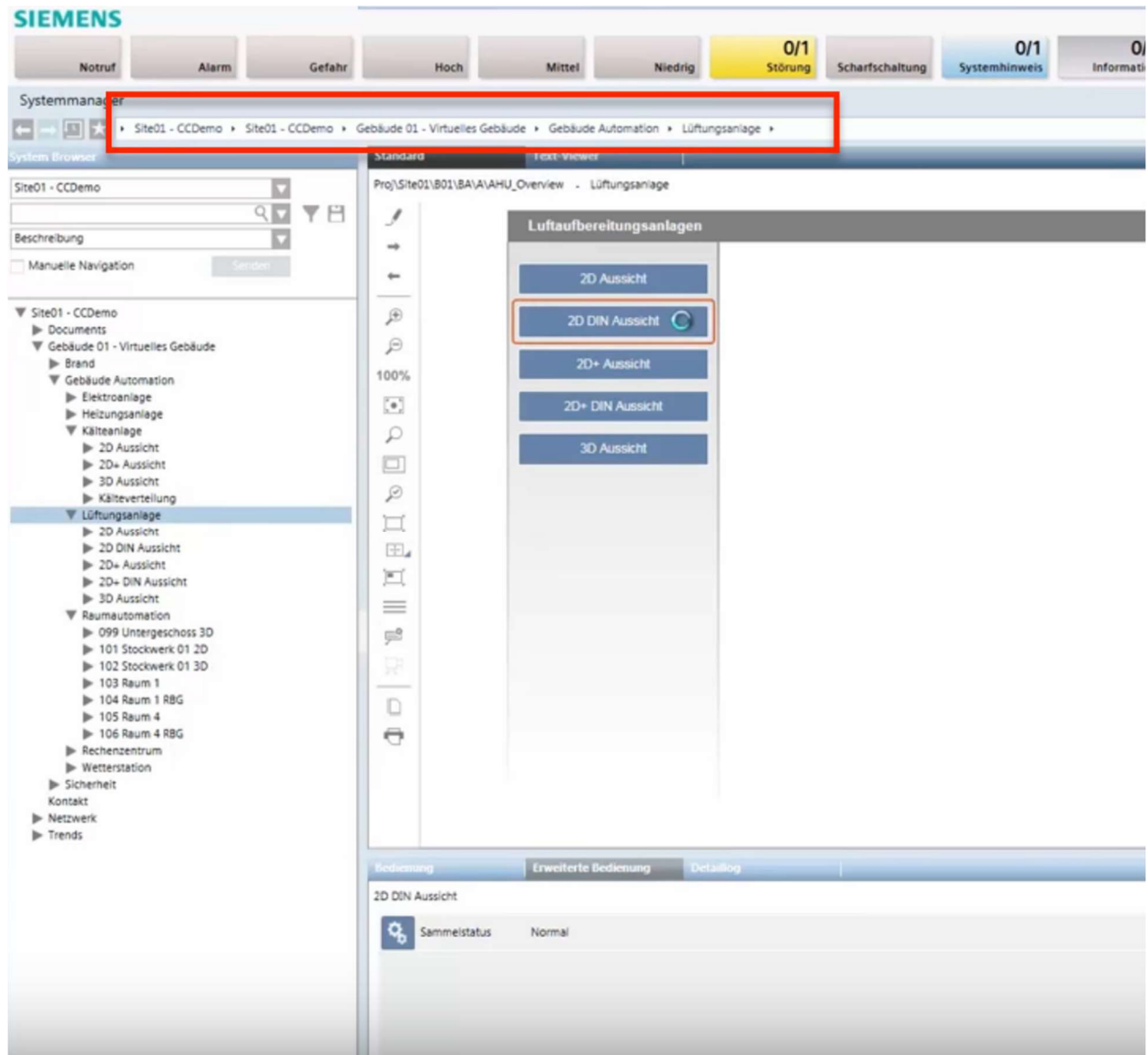
<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



178. On information and belief, in the '127 Accused Instrumentalities allow a user to access an item in the information structure by selecting the item from the one or more items displayed by one of the active links on the active path, wherein a function is associated with at least one of said active links (e.g., in the Product Platform Instrumentalities, each link in the active path "Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage" allows a user to access an item in the information structure by selecting from the one or more items displayed by "Site01—CCDemo," "Gebäude 01—Virtuellies Gebäude," "Gebäude Automation," and "Lüftungsanlage"; as another example, in the Web Instrumentalities, each link in the active path "Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems" allows a user to access an item in the information structure by selecting from the one or more items displayed by "Products & Services," "Industrial Automation," "Automation systems," "Industrial Automation Systems SIMATIC," and "IO Systems") as shown below:



See Siemens, *Desigo CC - Einfache Navigation*, available at

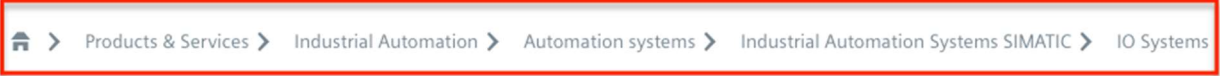
<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



Products & Services Market-specific Solutions Company



179. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a pointer is rolled over one of the active links (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of one or more items on a given level of the information structure when a pointer is rolled over it; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of one or more items on a given level of the information structure such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when a mouse is rolled over the “IO Systems” when a pointer is rolled over it) as shown below:

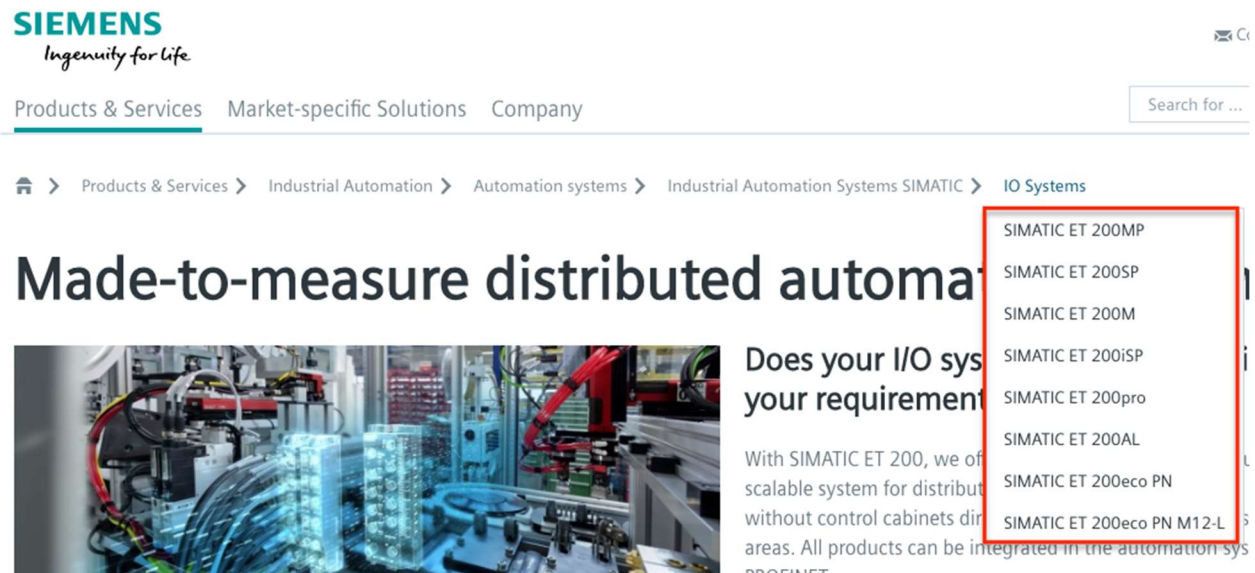


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



180. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when it is selected; as another example, in the Web Instrumentalities, the active link “IO Systems” allows the display of items such as “SIMATIC ET 200MP,” “SIMATIC ET 200SP,” “SIMATIC ET 200M,” “SIMATIC ET 200iSP,” “SIMATIC ET 200pro,” “SIMATIC ET 200AL,” “SIMATIC ET 200eco PN,” and “SIMATIC ET 200eco PN M12-L” when it is selected) as shown below:

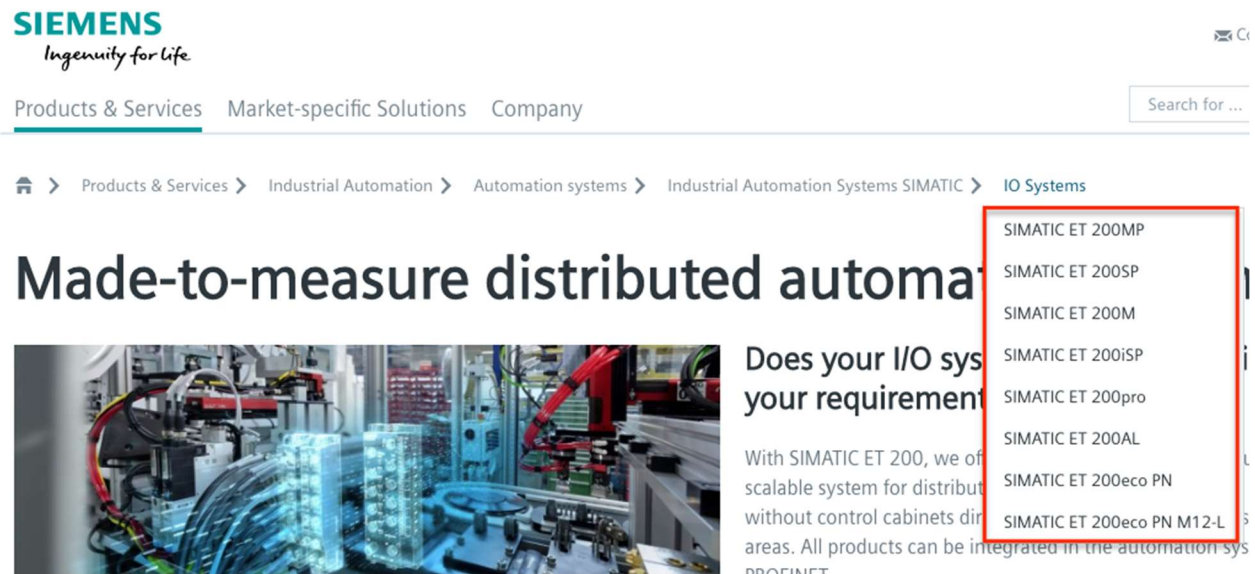


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



181. On information and belief, in the '127 Accused Instrumentalities, the one or more active links allow the display of one or more items on a given level of the information structure when a visual icon associated with one of the active links is selected (e.g., in the Product Platform Instrumentalities, the active link “Lüftungsanlage” allows the display of items such as “2D Aussicht,” “2D DIN Aussicht,” “2D+ Aussicht,” “2D+ DIN Aussicht,” and “3D Aussicht” when a visual icon (e.g., a down arrow button) associated with the active link “Lüftungsanlage” is selected; as another example, in the Web Instrumentalities, the active link “Industrial Automation Systems SIMATIC” allows the display of items such as “IO Systems” when the “side arrow” icon is selected) as shown below:

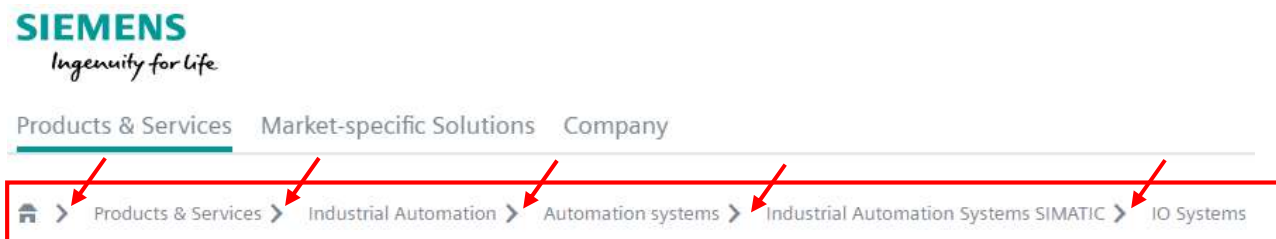


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html>

(last visited Feb. 10, 2020) (annotated):



182. On information and belief, in the '127 Accused Instrumentalities, the active links in the active path allow the display of one or more items on a given level of the information structure without changing the active path (e.g., in the Product Platform Instrumentalities, the active links in the active path allow the display of “Lüftungsanlage” without affecting the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the active links in the active path allow the display of “IO Systems” without affecting the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems”) as shown below:

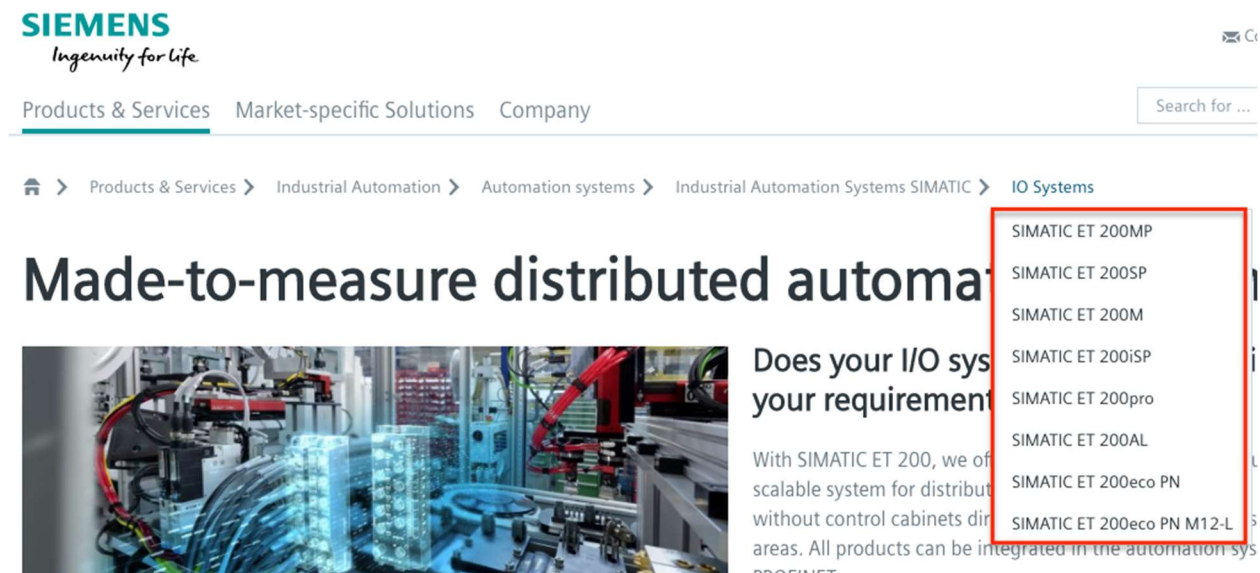


See Siemens, *Desigo CC - Einfache Navigation*, available at

<https://www.youtube.com/watch?v=fvQzSWY4gYg> (last visited Feb. 10, 2020) (annotated); see

also <https://new.siemens.com/global/en/products/software.html> (last visited Feb. 10, 2020)

(annotated):



183. On information and belief, in the '127 Accused Instrumentalities, a user may directly access one or more active links in the active path by selecting the active link (e.g., in the Product Platform Instrumentalities, a user may directly access the “2D+ DIN Aussicht” in the active path “Site01—CCDemo—Gebäude 01—Virtuelles Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” by selecting the “Lüftungsanlage”; as another example, in the Web Instrumentalities, a user may directly access the “IO Systems” in the “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems

SIMATIC—IO Systems” active path by selecting the “Industrial Automation Systems SIMATIC”).

184. On information and belief, in the ’127 Accused Instrumentalities, the selection of an active link causes the active path to truncate to the selected active link (e.g., in the Product Platform Instrumentalities, upon information and belief, the selection of an active link “Lüftungsanlage” causes the active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage—2D+ DIN Aussicht” to truncate to “Site01 – CCDemo—Gebäude 01 – Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage”; as another example, in the Web Instrumentalities, the selection of “Automation systems” causes the active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” to truncate to “Products & Services—Industrial Automation—Automation systems”) as shown below:



See, e.g., <https://new.siemens.com/global/en/products/automation/systems/industrial/io-systems.html> (last visited Feb. 10, 2020).

185. On information and belief, the ’127 Accused Instrumentalities are further configured to provide pre-defined shortcuts to enable access to a given item in the information structure (e.g., the Product Platform Instrumentalities provide pre-defined shortcuts, such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” in the collapsing menu enabling access to a given item in the information

structure; as another example, the Web Instrumentalities provide pre-defined shortcuts, such as “Products & Services,” “Industrial Automation,” “Automation Systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” in the collapsing menu) enabling access to a given item in the information structure), wherein selection of a pre-defined shortcut dynamically constructs an active path including one active link corresponding to each item necessary to navigate to the given item in the information structure (e.g., in the Product Platform Instrumentalities, selection of a predefined shortcut such as “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” dynamically constructs an active path “Site01—CCDemo—Gebäude 01—Virtuellies Gebäude—Gebäude Automation—Lüftungsanlage” with each link “Site01—CCDemo,” “Gebäude 01—Virtuellies Gebäude,” “Gebäude Automation,” and “Lüftungsanlage” corresponding to each item necessary to navigate to a given item in the information structure; as another example, in the Web Instrumentalities, selection of a predefined shortcut such as “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” dynamically constructs an active path “Products & Services—Industrial Automation—Automation systems—Industrial Automation Systems SIMATIC—IO Systems” with each active link “Products & Services,” “Industrial Automation,” “Automation systems,” “Industrial Automation Systems SIMATIC,” and “IO Systems” corresponding to each item necessary to navigate to a given item in the information structure).

186. On information and belief, in the '127 Accused Instrumentalities, two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

187. On information and belief, in the '127 Accused Instrumentalities, execution of said functions is initiated by selecting different portions of said at least one of active link (e.g., in the Product Platform Instrumentalities, by selecting "Lüftungsanlage" of the active link "Gebäude Automation" to display sibling menus or direct user to certain content; as another example, in the Web Instrumentalities, by selecting "IO Systems" of the active link "Industrial Automation Systems SIMATIC" to display sibling menus or direct user to certain content).

188. On information and belief, in the '127 Accused Instrumentalities, at least two functions are associated with at least one of said active links (e.g., displaying sibling menus and directing user to certain content).

189. Discovery is expected to uncover the full extent of Defendants' infringement of the '127 Patent beyond the '127 Accused Instrumentalities already identified through public information.

190. Upon information and belief, Defendants have induced and continue to induce others to infringe at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent under 35 U.S.C. § 271(b) by, among other things, and with specific intent or willful blindness, actively aiding and abetting others to infringe, including but not limited to Defendants' new, current, and prospective users, partners, customers and other third parties, whose use of the '127 Accused Instrumentalities constitutes direct infringement of at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent.

191. In particular, Defendants' actions aid and abet others such as their new, current, and prospective users, partners, customers and third parties to infringe include, for example, advertising and providing instructions on using the '127 Accused Instrumentalities. On information and belief, Defendants have engaged in such actions with specific intent to cause

infringement or with willful blindness to the resulting infringement because Defendants have had actual knowledge of the '127 Patent and knowledge that their acts were inducing infringement of the '127 Patent since at least the date Defendants received notice based on the filing of this Complaint that such activities infringed the '127 Patent.

192. Defendants' acts of inducement include, without limitation: providing the '127 Accused Instrumentalities to their new, current, and prospective users, partners, and customers, and other third parties and intending them to use the '127 Accused Instrumentalities that enable and/or make use of content published therein; encouraging customers and other third parties to communicate directly with Defendants' representatives about the '127 Accused Instrumentalities and content published therein for purposes of technical assistance as well as sales and marketing (*see, e.g.*, <https://new.siemens.com/global/en/general/contact.html> (providing contact information to address sales regarding the '127 Accused Instrumentalities); *see also id.* (providing a messaging platform for communicating same); *see also* <https://new.siemens.com/global/en/company/jobs.html> (providing employment information that can be accessed using the '127 Accused Instrumentalities); *see also* <https://new.siemens.com/global/en/products/buildings/partners/desigocc-ecosystem.html> (providing information on contacting a Desigo CC Ecosystem developer to create applications); providing information, advertising, and instructions for the Product Platform Instrumentalities through Defendants' own and third-party websites (*e.g.*, <https://www.downloads.siemens.com/download-center/Download.aspx?pos=download&fct=getasset&id1=A6V10444816> and <https://www.integratedcontrols.co.za/wp/siemens-sites/> (providing promotional materials on functions and features of the Product Platform Instrumentalities)); encouraging customers and

other third parties to use the '127 Accused Instrumentalities (e.g.,

<http://knxtoday.com/2020/01/15030/siemens-introduces-updated-desigo-cc-building-management-platform-with-improved-knx-support.html> (encouraging third parties to use the

Product Platform Instrumentalities); *see also* <https://www.youtube.com/watch?v=6ehhde6SRTU>

and <https://www.youtube.com/watch?v=6ehhde6SRTU> (encouraging new and prospective customers and other third parties to use the Product Platform Instrumentalities); *see also*

https://www.facebook.com/Siemens/?ref=br_rs (providing an URL (

https://new.siemens.com/global/en/company/about/businesses.html?fbclid=IwAR2Rlvms5EimVTAQW0Xg2Bpoe-tGFjCs33izANKLan_pO-IIio87IS2y1nY) to a “Our Businesses” webpage

that can be accessed using the Web Instrumentalities); *see also*

https://www.downloads.siemens.com/download-center/download?DLA07_2535 (providing an

URL (<https://new.siemens.com/global/en/products/energy/energy-automation-and-smart-grid/energy-is-going-digital.html>) to content through the Web Instrumentalities); *see also*

<https://new.siemens.com/global/en/company/investor-relations/share-bonds-rating.html>

(recommending investors and other third parties to use the Web Instrumentalities to access financial results relating to Defendants’ financial information); *see also*

<https://www.facebook.com/Siemens/>,

<https://twitter.com/Siemens/status/1232923300126502914?s=20>,

<https://www.instagram.com/siemens/>, and <https://www.linkedin.com/company/siemens/about/>

(Defendants’ social media accounts promoting the use of the Web Instrumentalities through

which various media content can be accessed); *see also* <https://press.siemens.com/global/en>

(providing press releases and news encouraging customers and other third parties to use the Web Instrumentalities to access content (for example, providing an URL

(<https://press.siemens.com/global/en/pressrelease/siemens-supports-volkswagen-develop-digitized-electric-car-production>) to an “Automotive Manufacturing” webpage that can be accessed using the Web Instrumentalities)); *see also* <https://new.siemens.com/global/en/company/fairs-events/hannover-messe/mindspherelounge.html> (encouraging third parties to use the Web Instrumentalities to access content and information regarding Defendants’ international fairs and events (for example, providing an URL (<https://siemens.mindsphere.io/en/openspace>) to an “Mindsphere Open Space” webpage that can be accessed using the Web Instrumentalities”)); and <https://new.siemens.com/global/en/company/stories/industry/3ddruck-ki.html> (providing stories encouraging customers and other third parties to use the Web Instrumentalities to access content (providing an URL (<https://new.siemens.com/global/en/products/automation/pc-based/iot-gateways/iot2000.html>) to a “SIMATIC IOT2000” webpage that can be accessed using the Web Instrumentalities)); and providing support and training to enable the use of the ’127 Accused Instrumentalities (e.g., <https://desigoccecosystem.com/WebClientApplication/en-US/index.html> and <https://desigoccecosystem.com/WebClientApplication/Help/EngineeringHelp/en-US/index.html> (providing an online support and remote client platform for supporting and training customers, including those in the U.S., on the use of the Product Platform Instrumentalities)).

193. Defendants performed acts of inducement despite their actual knowledge since at least the filing date of this Complaint and their knowledge that the specific actions they actively induced and continue to actively induce on the part of their users, partners, and customers, and other third parties constitute infringement of the ’127 Patent. At the very least, because Defendants have been, and remain, on notice of the ’127 Patent and the accused infringement,

they have been, and remain, willfully blind regarding the infringement that they have induced and continue to induce.

194. On information and belief, Defendants have contributed to, and continue to contribute to, infringement of at least Claims 1, 3-11, 13-14, 16-24 and 26 of the '127 Patent pursuant to 35 U.S.C. § 271(c) by providing the '127 Accused Instrumentalities that have contributed, and continue to contribute, to the direct infringement of new, current, and prospective users, partners, customers and other third parties with the knowledge (at least as of the filing date of this Complaint) that the '127 Accused Instrumentalities are especially made or adapted for use in an infringement of the '127 Patent. For example, by providing the web pages, software, and computer equipment identified above, Defendants contribute to the direct infringement of users of said web pages, software, and computer equipment. The '127 Accused Instrumentalities are material components or apparatuses for use in practicing the '127 Patent and are not staple articles of commerce suitable for substantial non-infringing use.

195. For example, the '127 Accused Instrumentalities provide a graphical user menu system through which a user can navigate an information structure or an apparatus for navigating an information structure and enabling selection according to the claimed invention(s). Defendants supplied, and continue to supply, the '127 Accused Instrumentalities, or components or apparatuses thereof, with the knowledge of the '127 Patent and with the knowledge that these components or apparatuses constitute critical and material parts of the claimed inventions of the '127 Patent. Moreover, Defendants know at least by virtue of their knowledge of their own products and services and the '127 Patent that the '127 Accused Instrumentalities are especially made and/or especially adapted for use as claimed in the '127 Patent and there is no substantial non-infringing use of the '127 Accused Instrumentalities, or components or apparatuses thereof.

196. Defendants have directly and indirectly infringed the '127 Patent and are thus liable for infringement of the '127 Patent pursuant to 35 U.S.C. § 271.

197. Plaintiffs have suffered, and continue to suffer, damages as a result of Defendants' infringement of the '127 Patent.

198. Defendants have continued to infringe the '127 Patent since at least as of the filing date of this Complaint, despite being on notice of the '127 Patent and their infringement. Defendants have therefore infringed the '127 Patent knowingly, willfully, deliberately, and in disregard of Plaintiffs' patent rights since at least as of the filing date of this Complaint, at least by infringing with actual knowledge of their direct and indirect infringement or while remaining willfully blind to the fact of their direct and indirect infringement. As a result of at least this conduct, Plaintiffs are entitled to enhanced damages under 35 U.S.C. § 284 and to attorneys' fees and costs under 35 U.S.C. § 285.

199. Plaintiffs reserve the right to modify their infringement theories as discovery progresses in this case. Plaintiffs shall not be estopped for purposes of their infringement contentions or their claim constructions by the foregoing discussions on how the '127 Accused Instrumentalities infringe the '127 Patent. Plaintiffs intend only that the foregoing discussions satisfy the notice requirements of Rule 8(a)(2) of the Federal Rule of Civil Procedure, and that they should not be construed as Plaintiffs' preliminary or final infringement contentions or preliminary or final claim construction positions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand judgment for themselves and against Defendant as follows:

a. A judgment that Defendants have infringed, and continue to infringe, one or more claims of each of the Asserted Patents;

b. A judgment that Defendants have induced infringement, and continue to induce infringement, of one or more claims of each of the Asserted Patents;

c. A judgment that Defendants have contributed to, and continue to contribute, to the infringement of one or more claims of each of the Asserted Patents;

d. A judgment that Defendants have willfully infringed one or more claims of each of the Asserted Patents;

e. A judgment awarding Plaintiffs all damages adequate to compensate for Defendants' infringement, and in no event less than a reasonable royalty for Defendants' acts of infringement, including all pre-judgment and post-judgment interest at the maximum rate allowed by law;

f. A judgment awarding Plaintiffs treble damages pursuant to 35 U.S.C. § 284 as a result of Defendants' willful conduct;

g. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding Plaintiffs their reasonable attorneys' fees; and

h. A judgment awarding Plaintiffs such other relief as the Court may deem just and equitable.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury of this action.

Dated: March 27, 2020

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/s/ Timothy Devlin

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